

[As Amended by Senate Committee of the Whole]

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

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

11

Section 1. K.S.A. 65-1113 is hereby amended to read as follows:
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

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

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

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

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

25 Sec. 2. K.S.A. 65-1114 is hereby amended to read as follows: 65-
26 1114. (a) It shall be unlawful for any person:

27 (1) To practice or to offer to practice professional nursing in this
28 state; ~~or~~

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

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

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

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

36 (1) To practice or offer to practice as an advanced *practice*
37 registered nurse practitioner in this state; or

38 (2) to use any title, abbreviation, letters, figures, sign, card or
39 device to indicate that any person is an advanced *practice* registered

1 nurse practitioner, unless such person has been duly issued a *license*
2 ~~certificate of qualification~~ as an advanced *practice* registered nurse
3 ~~practitioner~~ under the Kansas nurse practice act.

4 Sec. 3. K.S.A. 65-1118 is hereby amended to read as follows: 65-
5 1118. (a) The board shall collect in advance fees provided for in this act
6 as fixed by the board, but not exceeding:

7	Application for license—professional nurse.....	\$75
8	Application for license—practical nurse.....	50
9	Application for biennial renewal of license—professional nurse	
10	and practical nurse.....	60
11	Application for reinstatement of license.....	70
12	Application for reinstatement of licenses with temporary permit	
13	100
14	Certified copy of license.....	25
15	Duplicate of license.....	25
16	Inactive license.....	20
17	Application for <i>license certificate of qualification</i> —advanced	
18	<i>practice</i> registered nurse practitioner	50
19	Application for <i>license certificate of qualification</i> with temporary	
20	permit—advanced <i>practice</i> registered nurse practitioner	
21	100
22	Application for renewal of <i>license certificate of qualification</i> —	
23	advanced <i>practice</i> registered nurse practitioner	60
24	Application for reinstatement of <i>license certificate of qualification</i>	
25	—advanced <i>practice</i> registered nurse practitioner	75
26	Application for authorization—registered nurse anesthetist.....	75
27	Application for authorization with temporary authorization—	
28	registered nurse anesthetist.....	110
29	Application for biennial renewal of authorization—registered nurse	
30	anesthetist.....	60
31	Application for reinstatement of authorization—registered nurse	
32	anesthetist.....	75
33	Application for reinstatement of authorization with temporary	
34	authorization—registered nurse anesthetist.....	100
35	Verification of license to another state.....	30
36	Application for exempt license—professional and practical nurse	
37	50
38	Application for biennial renewal of exempt license—professional	
39	and practical nurse.....	50

1 Application for exempt ~~license certification~~—advanced *practice*
2 registered nurse practitioner.....50

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

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

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

15 Sec. 4. K.S.A. 65-1120 is hereby amended to read as follows: 65-
16 1120. (a) *Grounds for disciplinary actions.* The board may deny,
17 revoke, limit or suspend any license; ~~certificate of qualification~~ or
18 authorization to practice nursing as a registered professional nurse, as a
19 licensed practical nurse, as an advanced *practice* registered nurse
20 ~~practitioner~~ or as a registered nurse anesthetist that is issued by the
21 board or applied for under this act or may publicly or privately censure
22 a licensee or holder of a ~~certificate of qualification~~ *temporary permit*
23 or authorization, if the applicant, licensee or holder of a *temporary permit*
24 ~~certificate of qualification~~ or authorization is found after hearing:

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

27 (2) to have been guilty of a felony or to have been guilty of a
28 misdemeanor involving an illegal drug offense unless the applicant or
29 licensee establishes sufficient rehabilitation to warrant the public trust,
30 except that notwithstanding K.S.A. 74-120, *and amendments thereto*,
31 no license; ~~certificate of qualification~~ or authorization to practice
32 nursing as a licensed professional nurse, as a licensed practical nurse,
33 as an advanced *practice* registered nurse ~~practitioner~~ or registered nurse
34 anesthetist shall be granted to a person with a felony conviction for a
35 crime against persons as specified in article 34 of chapter 21 of the
36 Kansas Statutes Annotated ~~and acts amendatory thereof or~~
37 ~~supplemental thereto~~, *prior to its repeal, or sections 36 through 64,*
38 *174, 210 or 211 of chapter 136 of the 2010 Session Laws of Kansas,*
39 *and amendments thereto;*

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

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

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

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

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

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

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

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

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

39 (C) A copy of the record of a judgment assessing damages under

1 K.S.A. ~~2002 Supp.~~ 60-4405, and amendments thereto.

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

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

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

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

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

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

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

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

8 Sec. 5. K.S.A. 65-1122 is hereby amended to read as follows: 65-
9 1122. It is a violation of law for any person, firm, corporation or
10 association to:

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

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

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

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

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

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

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

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

1 Sec. 6. K.S.A. 65-1130 is hereby amended to read as follows: 65-
2 1130. (a) No professional nurse shall announce or represent to the
3 public that such person is an advanced *practice* registered nurse
4 ~~practitioner~~ unless such professional nurse has complied with
5 requirements established by the board and holds a valid *license*
6 ~~certificate of qualification~~ as an advanced *practice* registered nurse
7 ~~practitioner~~ in accordance with the provisions of this section.

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

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

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

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

36 (3) Define the role of advanced *practice* registered ~~nurses~~ ~~nurse~~
37 ~~practitioners~~ and establish limitations and restrictions on such role. The
38 board shall adopt a definition of the role under this subsection (c)(3)
39 which is consistent with the education and qualifications required to

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

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

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

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

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

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

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

37 (3) An application to the board for a *license certificate of*
38 ~~qualification~~, for a *license certificate of qualification* with temporary
39 permit, for renewal of a *license certificate of qualification* and for

1 reinstatement of a ~~license certificate of qualification~~ shall be upon such
2 form and contain such information as the board may require and shall
3 be accompanied by a fee, to be established by rules and regulations
4 adopted by the board, to assist in defraying the expenses in connection
5 with the issuance of ~~licenses certificates of qualification~~ as advanced
6 ~~practice registered nurses nurse practitioners~~, in an amount fixed by the
7 board under K.S.A. 65-1118, and amendments thereto.

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

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

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

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

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

1 ~~license certificate of qualification~~ to every advanced *practice* registered
 2 nurse practitioner at least 60 days prior to the expiration date of such
 3 person's license. Every person who desires to renew such *license*
 4 ~~certificate of qualification~~ shall file with the board, on or before the
 5 date of expiration of such *license certificate of qualification*; ~~(1)~~ A
 6 renewal application together with the prescribed biennial renewal fee.
 7 ~~And;~~ ~~(2)~~ *evidence of completion of continuing education in the*
 8 *advanced practice registered nurse role, which has met the continuing*
 9 *education requirement for an advanced practice registered nurse as*
 10 *developed by the board or by a national organization whose certifying*
 11 *standards are approved by the board as equal to or greater than the*
 12 *corresponding standards established by the board. These continuing*
 13 *education credits approved by the board may be applied to satisfy the*
 14 *continuing education requirements established by the board for*
 15 *licensed professional nurses under K.S.A. 65-1117, and amendments*
 16 *thereto, if the board finds such continuing education credits are*
 17 *equivalent to those required by the board under K.S.A. 65-1117, and*
 18 *amendments thereto; [and]*
 19 ~~(2) be currently licensed~~ ~~(3) evidence of current licensure]~~ *as a*
 20 *professional nurse; and.]*
 21 ~~(3)~~ Upon receipt of such application and payment of any
 22 applicable fee, and upon being satisfied that the applicant for renewal
 23 of a *license certificate of qualification* meets the requirements
 24 established by the board under K.S.A. 65-1130, and amendments
 25 thereto, in effect at the time of initial qualification of the applicant, the
 26 board shall verify the accuracy of the application and grant a renewal
 27 *license certificate of qualification*.
 28 (b) Any person who fails to secure a renewal *license certificate of*
 29 *qualification* prior to the expiration of the *license certificate of*
 30 *qualification* may secure a reinstatement of such lapsed *license*
 31 *certificate of qualification* by making application therefor on a form
 32 provided by the board, upon furnishing proof that the applicant is
 33 competent and qualified to act as an advanced *practice* registered nurse
 34 practitioner and upon satisfying all of the requirements for
 35 reinstatement including payment to the board of a reinstatement fee as
 36 established by the board.
 37 Sec. 9. K.S.A. 65-1133 is hereby amended to read as follows: 65-
 38 1133. (a) An approved educational and training program for advanced
 39 *practice registered nurses* ~~nurse practitioners~~ is a program conducted in

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

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

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

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

14 (d) The board may accept nationally accredited *advanced practice* ~~advance~~
15 *practice* registered nurse ~~practitioner~~ programs as defined by ~~in rules~~
16 ~~rule~~ and *regulations adopted by the board in accordance with K.S.A.*
17 *65-1130, and amendments thereto* ~~regulation~~.

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

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

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

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

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

13 Sec. 11. K.S.A. 65-1163 is hereby amended to read as follows: 65-
14 1163. Nothing in this act shall:

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

19 (b) apply to the practice of anesthesia by a person licensed to
20 practice medicine and surgery, a licensed dentist or a licensed
21 podiatrist;

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

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

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

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

37 (g) prohibit a registered professional nurse from administering
38 general anesthetic agents to a patient on ventilator maintenance in
39 critical care units when under the direction of a person licensed to

1 practice medicine and surgery or a person licensed to practice dentistry.
2 Sec. 12. K.S.A. 2010 Supp. 8-1,125 is hereby amended to read as
3 follows: 8-1,125. (a) Any Kansas resident who submits satisfactory
4 proof to the director of vehicles, on a form provided by the director,
5 that such person is a person with a disability or is responsible for the
6 transportation of a person with a disability shall be issued a special
7 license plate or a permanent placard for any motor vehicle owned by
8 such person or shall be issued a temporary placard. Satisfactory proof
9 of disability, condition or impairment shall include a statement from a
10 person licensed to practice the healing arts in any state, a licensed
11 optometrist, an advanced *practice* registered nurse ~~practitioner—~~
12 ~~registered~~ *licensed* under K.S.A. 65-1131, and amendments thereto, a
13 licensed physician assistant or a Christian Science practitioner listed in
14 The Christian Science Journal certifying that such person is a person
15 with a disability. The placard shall be suspended immediately below the
16 rear view mirror of any motor vehicle used for the transportation of a
17 person with a disability so as to be maximally visible from outside the
18 vehicle. In addition to the special license plate or permanent placard,
19 the director of vehicles shall issue to the person with a disability an
20 individual identification card which must be carried by the person with
21 a disability when the motor vehicle being operated by or used for the
22 transportation of such person is parked in accordance with the
23 provisions of K.S.A. 8-1,126, and amendments thereto. In addition to
24 the temporary placard, a person issued such temporary placard shall
25 carry the state or county receipt showing the name of the person who is
26 issued such temporary placard. A person submitting satisfactory proof
27 that such person's disability, condition or impairment is permanent in
28 nature, and upon such person's request and payment of the fees
29 prescribed in subsection (b), shall be issued a permanent placard or a
30 permanent placard and a special license plate and an individual
31 identification card. Upon proper request, one additional permanent
32 placard shall be issued to the applicant who has not requested and
33 received a special license plate. Upon proper request, one additional
34 temporary placard shall be issued to the applicant certified as
35 temporarily disabled. Temporary placards shall have an expiration date
36 of not longer than six months from the date of issuance. The special
37 license plates and placards shall display the international symbol of
38 access to the physically disabled.
39 (b) Special license plates issued pursuant to this section shall be

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

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

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

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

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

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

38 Sec. 13. K.S.A. 2010 Supp. 39-7,119 is hereby amended to read as
39 follows: 39-7,119. (a) There is hereby created the medicaid drug

1 utilization review board which shall be responsible for the
2 implementation of retrospective and prospective drug utilization
3 programs under the Kansas medicaid program.

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

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

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

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

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

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

24 (c) The Kansas health policy authority may add two additional
25 members so long as no class of professional representatives exceeds
26 51% of the membership.

27 (d) The physician and pharmacist members shall have expertise in
28 the clinically appropriate prescribing and dispensing of outpatient
29 drugs.

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

35 (f) The board shall elect a chairperson from among board
36 members who shall serve a one-year term. The chairperson may serve
37 consecutive terms.

38 (g) The board, in accordance with K.S.A. 75-4319, and
39 amendments thereto, may recess for a closed or executive meeting

1 when it is considering matters relating to identifiable patients or
2 providers.

3 (h) All actions of the medicaid drug utilization review board shall
4 be upon the affirmative vote of five members of the board and the vote
5 of each member present when action was taken shall be recorded by
6 roll call vote.

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

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

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

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

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

38 (5) one member shall be a licensed physician who is the medical
39 director of a nursing facility, who has practice experience with the state

1 medicaid plan and who is nominated by the Kansas medical society and
2 appointed by the Kansas health policy authority from a list of two or
3 more nominees;

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

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

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

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

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

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

38 (4) the charging of a higher rate on the basis of information which
39 differs from that which the applicant or policyholder furnished, with

- 1 respect to property or casualty insurance coverage.
- 2 (b) "Declination of insurance coverage" means a denial, in whole
3 or in part, by an insurance company or agent of requested insurance
4 coverage.
- 5 (c) "Health care institution" means any medical care facility, adult
6 care home, drug abuse and alcoholic treatment facility, home-health
7 agency certified for federal reimbursement, mental health center or
8 mental health clinic licensed by the secretary of social and
9 rehabilitation services, kidney disease treatment center, county, city-
10 county or multicounty health departments and health-maintenance
11 organization.
- 12 (d) "Health care provider" means any person licensed to practice
13 any branch of the healing arts, licensed dentist, licensed professional
14 nurse, licensed practical nurse, *licensed advanced practice* registered
15 nurse practitioner, licensed optometrist, licensed physical therapist,
16 licensed social worker, licensed physician assistant, licensed podiatrist
17 or licensed psychologist.
- 18 (e) "Institutional source" means any natural person, corporation,
19 association, partnership or governmental or other legal entity that
20 provides information about an individual to an agent or insurance
21 company, other than:
- 22 (1) An agent;
23 (2) the individual who is the subject of the information; or
24 (3) a natural person acting in a personal capacity rather than a
25 business or professional capacity.
- 26 (f) "Insurance transaction" means any transaction involving
27 insurance, but not including group insurance coverage, primarily for
28 personal, family or household needs rather than business or
29 professional needs.
- 30 (g) "Medical-record information" means personal information
31 which:
- 32 (1) Relates to an individual's physical or mental condition, medical
33 history or medical treatment; and
34 (2) is obtained from a health care provider or health care
35 institution, from the individual, or from the individual's spouse, parent
36 or legal guardian.
- 37 (h) "Termination of insurance coverage" or "termination of an
38 insurance policy" means either a cancellation, nonrenewal or lapse of
39 an insurance policy, in whole or in part, for any reason other than:

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

3 Sec. 15. K.S.A. 40-2250 is hereby amended to read as follows: 40-
4 2250. ~~(a)~~ Notwithstanding any provision of an individual or group
5 policy or contract for health and accident insurance delivered within the
6 state, whenever such policy or contract shall provide for reimbursement
7 for any services within the lawful scope of practice of ~~an a licensed~~
8 advanced *practice* registered nurse ~~practitioner~~ within the state of
9 Kansas, the insured, or any other person covered by the policy or
10 contract, shall be allowed and entitled to reimbursement for such
11 service irrespective of whether it was provided or performed by a duly
12 licensed physician or ~~an a licensed~~ advanced *practice* registered nurse.
13 ~~practitioner.~~

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

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

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

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

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

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

36 (d) "Physician" means a person licensed to practice medicine and
37 surgery.

38 (e) "Rural health network" means an alliance of members
39 including at least one critical access hospital and at least one other

1 hospital which has developed a comprehensive plan submitted to and
2 approved by the secretary of health and environment regarding patient
3 referral and transfer; the provision of emergency and nonemergency
4 transportation among members; the development of a network-wide
5 emergency services plan; and the development of a plan for sharing
6 patient information and services between hospital members concerning
7 medical staff credentialing, risk management, quality assurance and
8 peer review.

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

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

39 Sec. 17. K.S.A. 2010 Supp. 65-1626 is hereby amended to read as

1 follows: 65-1626. For the purposes of this act:

2 (a) "Administer" means the direct application of a drug, whether
3 by injection, inhalation, ingestion or any other means, to the body of a
4 patient or research subject by:

5 (1) A practitioner or pursuant to the lawful direction of a
6 practitioner;

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

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

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

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

28 (d) "Board" means the state board of pharmacy created by K.S.A.
29 74-1603, and amendments thereto.

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

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

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

1 as wholesale distributors.

2 (h) "Co-licensee" means a pharmaceutical manufacturer that has
3 entered into an agreement with another pharmaceutical manufacturer to
4 engage in a business activity or occupation related to the manufacture
5 or distribution of a prescription drug and the national drug code on the
6 drug product label shall be used to determine the identity of the drug
7 manufacturer.

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

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

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

20 (l) "Dispenser" means a practitioner or pharmacist who dispenses
21 prescription medication.

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

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

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

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

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

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

36 (s) "Electronic transmission" means transmission of information in
37 electronic form or the transmission of the exact visual image of a
38 document by way of electronic equipment.

39 (t) "Generic name" means the established chemical name or

- 1 official name of a drug or drug product.
- 2 (u) (1) "Institutional drug room" means any location where
3 prescription-only drugs are stored and from which prescription-only
4 drugs are administered or dispensed and which is maintained or
5 operated for the purpose of providing the drug needs of:
- 6 (A) Inmates of a jail or correctional institution or facility;
7 (B) residents of a juvenile detention facility, as defined by the
8 revised Kansas code for care of children and the revised Kansas
9 juvenile justice code;
- 10 (C) students of a public or private university or college, a
11 community college or any other institution of higher learning which is
12 located in Kansas;
- 13 (D) employees of a business or other employer; or
14 (E) persons receiving inpatient hospice services.
- 15 (2) "Institutional drug room" does not include:
- 16 (A) Any registered pharmacy;
17 (B) any office of a practitioner; or
18 (C) a location where no prescription-only drugs are dispensed and
19 no prescription-only drugs other than individual prescriptions are stored
20 or administered.
- 21 (v) "Intracompany transaction" means any transaction or transfer
22 between any division, subsidiary, parent or affiliated or related
23 company under common ownership or control of a corporate entity, or
24 any transaction or transfer between co-licensees of a co-licensed
25 product.
- 26 (w) "Medical care facility" shall have the meaning provided in
27 K.S.A. 65-425, and amendments thereto, except that the term shall also
28 include facilities licensed under the provisions of K.S.A. 75-3307b, and
29 amendments thereto, except community mental health centers and
30 facilities for the mentally retarded.
- 31 (x) "Manufacture" means the production, preparation, propagation,
32 compounding, conversion or processing of a drug either directly or
33 indirectly by extraction from substances of natural origin,
34 independently by means of chemical synthesis or by a combination of
35 extraction and chemical synthesis and includes any packaging or
36 repackaging of the drug or labeling or relabeling of its container, except
37 that this term shall not include the preparation or compounding of a
38 drug by an individual for the individual's own use or the preparation,
39 compounding, packaging or labeling of a drug by: (1) A practitioner or

1 a practitioner's authorized agent incident to such practitioner's
2 administering or dispensing of a drug in the course of the practitioner's
3 professional practice; (2) a practitioner, by a practitioner's authorized
4 agent or under a practitioner's supervision for the purpose of, or as an
5 incident to, research, teaching or chemical analysis and not for sale; or
6 (3) a pharmacist or the pharmacist's authorized agent acting under the
7 direct supervision of the pharmacist for the purpose of, or incident to,
8 the dispensing of a drug by the pharmacist.

9 (y) "Manufacturer" means a person licensed or approved by the
10 FDA to engage in the manufacture of drugs and devices.

11 (z) "Normal distribution channel" means a chain of custody for a
12 prescription-only drug that goes from a manufacturer of the
13 prescription-only drug, from that manufacturer to that manufacturer's
14 co-licensed partner, from that manufacturer to that manufacturer's third-
15 party logistics provider, or from that manufacturer to that
16 manufacturer's exclusive distributor, directly or by drop shipment, to:

17 (1) A pharmacy to a patient or to other designated persons
18 authorized by law to dispense or administer such drug to a patient;

19 (2) a wholesale distributor to a pharmacy to a patient or other
20 designated persons authorized by law to dispense or administer such
21 drug to a patient;

22 (3) a wholesale distributor to a chain pharmacy warehouse to that
23 chain pharmacy warehouse's intracompany pharmacy to a patient or
24 other designated persons authorized by law to dispense or administer
25 such drug to a patient; or

26 (4) a chain pharmacy warehouse to the chain pharmacy
27 warehouse's intracompany pharmacy to a patient or other designated
28 persons authorized by law to dispense or administer such drug to a
29 patient.

30 (aa) "Person" means individual, corporation, government,
31 governmental subdivision or agency, partnership, association or any
32 other legal entity.

33 (bb) "Pharmacist" means any natural person licensed under this act
34 to practice pharmacy.

35 (cc) "Pharmacist in charge" means the pharmacist who is
36 responsible to the board for a registered establishment's compliance
37 with the laws and regulations of this state pertaining to the practice of
38 pharmacy, manufacturing of drugs and the distribution of drugs. The
39 pharmacist in charge shall supervise such establishment on a full-time

1 or a part-time basis and perform such other duties relating to
2 supervision of a registered establishment as may be prescribed by the
3 board by rules and regulations. Nothing in this definition shall relieve
4 other pharmacists or persons from their responsibility to comply with
5 state and federal laws and regulations.

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

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

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

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

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

39 (ii) "Prescription" means, according to the context, either a

- 1 prescription order or a prescription medication.
- 2 (jj) "Prescription medication" means any drug, including label and
3 container according to context, which is dispensed pursuant to a
4 prescription order.
- 5 (kk) "Prescription-only drug" means any drug whether intended
6 for use by man or animal, required by federal or state law (including 21
7 *U.S.C. § 353* ~~United States Code section 353~~, as amended), to be
8 dispensed only pursuant to a written or oral prescription or order of a
9 practitioner or is restricted to use by practitioners only.
- 10 (ll) "Prescription order" means: (1) An order to be filled by a
11 pharmacist for prescription medication issued and signed by a
12 practitioner or a mid-level practitioner in the authorized course of
13 professional practice; or (2) an order transmitted to a pharmacist
14 through word of mouth, note, telephone or other means of
15 communication directed by such practitioner or mid-level practitioner.
- 16 (mm) "Probation" means the practice or operation under a
17 temporary license, registration or permit or a conditional license,
18 registration or permit of a business or profession for which a license,
19 registration or permit is granted by the board under the provisions of
20 the pharmacy act of the state of Kansas requiring certain actions to be
21 accomplished or certain actions not to occur before a regular license,
22 registration or permit is issued.
- 23 (nn) "Professional incompetency" means:
- 24 (1) One or more instances involving failure to adhere to the
25 applicable standard of pharmaceutical care to a degree which
26 constitutes gross negligence, as determined by the board;
- 27 (2) repeated instances involving failure to adhere to the applicable
28 standard of pharmaceutical care to a degree which constitutes ordinary
29 negligence, as determined by the board; or
- 30 (3) a pattern of pharmacy practice or other behavior which
31 demonstrates a manifest incapacity or incompetence to practice
32 pharmacy.
- 33 (oo) "Retail dealer" means a person selling at retail
34 nonprescription drugs which are prepackaged, fully prepared by the
35 manufacturer or distributor for use by the consumer and labeled in
36 accordance with the requirements of the state and federal food, drug
37 and cosmetic acts. Such nonprescription drugs shall not include: (1) A
38 controlled substance; (2) a prescription-only drug; or (3) a drug
39 intended for human use by hypodermic injection.

- 1 (pp) "Secretary" means the executive secretary of the board.
- 2 (qq) "Third party logistics provider" means an entity that: (1)
- 3 Provides or coordinates warehousing, distribution or other services on
- 4 behalf of a manufacturer, but does not take title to the prescription drug
- 5 or have general responsibility to direct the prescription drug's sale or
- 6 disposition; (2) is registered as a wholesale distributor under the
- 7 pharmacy act of the state of Kansas; and (3) to be considered part of the
- 8 normal distribution channel, must also be an authorized distributor of
- 9 record.
- 10 (rr) "Unprofessional conduct" means:
- 11 (1) Fraud in securing a registration or permit;
- 12 (2) intentional adulteration or mislabeling of any drug, medicine,
- 13 chemical or poison;
- 14 (3) causing any drug, medicine, chemical or poison to be
- 15 adulterated or mislabeled, knowing the same to be adulterated or
- 16 mislabeled;
- 17 (4) intentionally falsifying or altering records or prescriptions;
- 18 (5) unlawful possession of drugs and unlawful diversion of drugs
- 19 to others;
- 20 (6) willful betrayal of confidential information under K.S.A. 65-
- 21 1654, and amendments thereto;
- 22 (7) conduct likely to deceive, defraud or harm the public;
- 23 (8) making a false or misleading statement regarding the licensee's
- 24 professional practice or the efficacy or value of a drug;
- 25 (9) commission of any act of sexual abuse, misconduct or
- 26 exploitation related to the licensee's professional practice; or
- 27 (10) performing unnecessary tests, examinations or services which
- 28 have no legitimate pharmaceutical purpose.
- 29 (ss) "Mid-level practitioner" means an advanced *practice*
- 30 registered nurse ~~practitioner~~ issued a ~~certificate of qualification~~ *license*
- 31 pursuant to K.S.A. 65-1131, and amendments thereto, who has
- 32 authority to prescribe drugs pursuant to a written protocol with a
- 33 responsible physician under K.S.A. 65-1130, and amendments thereto,
- 34 or a physician assistant licensed pursuant to the physician assistant
- 35 licensure act who has authority to prescribe drugs pursuant to a written
- 36 protocol with a responsible physician under K.S.A. 65-28a08, and
- 37 amendments thereto.
- 38 (tt) "Vaccination protocol" means a written protocol, agreed to by
- 39 a pharmacist and a person licensed to practice medicine and surgery by

1 the state board of healing arts, which establishes procedures and
2 recordkeeping and reporting requirements for administering a vaccine
3 by the pharmacist for a period of time specified therein, not to exceed
4 two years.

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

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

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

1 prescription drug or device by a charitable organization described in
2 ~~503(c)(3)~~~~503-(e)(3)~~ of the internal revenue code of 1954 to a nonprofit
3 affiliate of the organization to the extent otherwise permitted by law;
4 (6) the purchase or other acquisition by a hospital or other similar
5 health care entity that is a member of a group purchasing organization
6 of a prescription drug or device for its own use from the group
7 purchasing organization or from other hospitals or similar health care
8 entities that are members of these organizations; (7) the transfer of
9 prescription drugs or devices between pharmacies pursuant to a
10 centralized prescription processing agreement; (8) the sale, purchase or
11 trade of blood and blood components intended for transfusion; (9) the
12 return of recalled, expired, damaged or otherwise non-salable
13 prescription drugs, when conducted by a hospital, health care entity,
14 pharmacy, chain pharmacy warehouse or charitable institution in
15 accordance with the board's rules and regulations; (10) the sale,
16 transfer, merger or consolidation of all or part of the business of a retail
17 pharmacy or pharmacies from or with another retail pharmacy or
18 pharmacies, whether accomplished as a purchase and sale of stock or
19 business assets, in accordance with the board's rules and regulations;
20 (11) the distribution of drug samples by manufacturers' and authorized
21 distributors' representatives; (12) the sale of minimal quantities of
22 drugs by retail pharmacies to licensed practitioners for office use; or
23 (13) the sale or transfer from a retail pharmacy or chain pharmacy
24 warehouse of expired, damaged, returned or recalled prescription drugs
25 to the original manufacturer, originating wholesale distributor or to a
26 third party returns processor in accordance with the board's rules and
27 regulations.

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

1 which physical therapists would be authorized to provide such
2 treatment with the approval of a physician licensed by the board,
3 notwithstanding any provisions of the Kansas healing arts act or any
4 rules and regulations adopted by the board thereunder.

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

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

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

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

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

38 (b) "Agent" means an authorized person who acts on behalf of or
39 at the direction of a manufacturer, distributor or dispenser. It does not

- 1 include a common carrier, public warehouseman or employee of the
2 carrier or warehouseman.
- 3 (c) "Board" means the state board of pharmacy.
- 4 (d) "Bureau" means the bureau of narcotics and dangerous drugs,
5 United States department of justice, or its successor agency.
- 6 (e) "Controlled substance" means any drug, substance or
7 immediate precursor included in any of the schedules designated in
8 K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and
9 amendments ~~thereto to these sections~~.
- 10 (f) "Counterfeit substance" means a controlled substance which, or
11 the container or labeling of which, without authorization bears the
12 trademark, trade name or other identifying mark, imprint, number or
13 device or any likeness thereof of a manufacturer, distributor or
14 dispenser other than the person who in fact manufactured, distributed
15 or dispensed the substance.
- 16 (g) "Deliver" or "delivery" means the actual, constructive or
17 attempted transfer from one person to another of a controlled substance,
18 whether or not there is an agency relationship.
- 19 (h) "Dispense" means to deliver a controlled substance to an
20 ultimate user or research subject by or pursuant to the lawful order of a
21 practitioner, including the packaging, labeling or compounding
22 necessary to prepare the substance for that delivery, or pursuant to the
23 prescription of a mid-level practitioner.
- 24 (i) "Dispenser" means a practitioner or pharmacist who dispenses.
- 25 (j) "Distribute" means to deliver other than by administering or
26 dispensing a controlled substance.
- 27 (k) "Distributor" means a person who distributes.
- 28 (l) "Drug" means: (1) Substances recognized as drugs in the
29 official United States pharmacopoeia, official homeopathic
30 pharmacopoeia of the United States or official national formulary or
31 any supplement to any of them; (2) substances intended for use in the
32 diagnosis, cure, mitigation, treatment or prevention of disease in man or
33 animals; (3) substances (other than food) intended to affect the
34 structure or any function of the body of man or animals; and (4)
35 substances intended for use as a component of any article specified in
36 clause (1), (2) or (3) of this subsection. It does not include devices or
37 their components, parts or accessories.
- 38 (m) "Immediate precursor" means a substance which the board has
39 found to be and by rule and regulation designates as being the principal

1 compound commonly used or produced primarily for use and which is
2 an immediate chemical intermediary used or likely to be used in the
3 manufacture of a controlled substance, the control of which is
4 necessary to prevent, curtail or limit manufacture.

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

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

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

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

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

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

1 (bb) (1) "Controlled substance analog" means a substance that is
2 intended for human consumption, and:

3 (A) The chemical structure of which is substantially similar to the
4 chemical structure of a controlled substance listed in or added to the
5 schedules designated in K.S.A. 65-4105 or 65-4107, and amendments
6 thereto;

7 (B) which has a stimulant, depressant or hallucinogenic effect on
8 the central nervous system substantially similar to the stimulant,
9 depressant or hallucinogenic effect on the central nervous system of a
10 controlled substance included in the schedules designated in K.S.A. 65-
11 4105 or 65-4107, and amendments thereto; or

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

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

19 (A) A controlled substance;

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

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

26 (cc) "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 under the physician assistant licensure
32 act who has authority to prescribe drugs pursuant to a written protocol
33 with a responsible physician under K.S.A. 65-28a08, and amendments
34 thereto.

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

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

39 (b) "Practice of occupational therapy" means the therapeutic use of

1 purposeful and meaningful occupations (goal-directed activities) to
2 evaluate and treat, pursuant to the referral, supervision, order or
3 direction of a physician, a licensed podiatrist, a licensed dentist, a
4 licensed physician assistant, or ~~an~~ *a licensed advanced practice*
5 registered nurse ~~practitioner~~ working pursuant to the order or direction
6 of a person licensed to practice medicine and surgery, a licensed
7 chiropractor, or a licensed optometrist, individuals who have a disease
8 or disorder, impairment, activity limitation or participation restriction
9 that interferes with their ability to function independently in daily life
10 roles and to promote health and wellness. Occupational therapy
11 intervention may include:

12 (1) Remediation or restoration of performance abilities that are
13 limited due to impairment in biological, physiological, psychological or
14 neurological cognitive processes;

15 (2) adaptation of tasks, process, or the environment or the teaching
16 of compensatory techniques in order to enhance performance;

17 (3) disability prevention methods and techniques that facilitate the
18 development or safe application of performance skills; and

19 (4) health promotion strategies and practices that enhance
20 performance abilities.

21 (c) "Occupational therapy services" include, but are not limited to:

22 (1) Evaluating, developing, improving, sustaining, or restoring
23 skills in activities of daily living (ADL), work or productive activities,
24 including instrumental activities of daily living (IADL) and play and
25 leisure activities;

26 (2) evaluating, developing, remediating, or restoring sensorimotor,
27 cognitive or psychosocial components of performance;

28 (3) designing, fabricating, applying, or training in the use of
29 assistive technology or orthotic devices and training in the use of
30 prosthetic devices;

31 (4) adapting environments and processes, including the application
32 of ergonomic principles, to enhance performance and safety in daily
33 life roles;

34 (5) applying physical agent modalities as an adjunct to or in
35 preparation for engagement in occupations;

36 (6) evaluating and providing intervention in collaboration with the
37 client, family, caregiver or others;

38 (7) educating the client, family, caregiver or others in carrying out
39 appropriate nonskilled interventions; and

1 (8) consulting with groups, programs, organizations or
2 communities to provide population-based services.

3 (d) "Occupational therapist" means a person licensed to practice
4 occupational therapy as defined in this act.

5 (e) "Occupational therapy assistant" means a person licensed to
6 assist in the practice of occupational therapy under the supervision of
7 an occupational therapist.

8 (f) "Person" means any individual, partnership, unincorporated
9 organization or corporation.

10 (g) "Physician" means a person licensed to practice medicine and
11 surgery.

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

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

18 (a) "Administrator" means the executive director of the emergency
19 medical services board.

20 (b) "Advanced emergency medical technician" means a person
21 who holds an advanced emergency medical technician certificate issued
22 pursuant to this act.

23 (c) "Advanced *practice* registered nurse ~~practitioner~~" means an
24 advanced *practice* registered nurse ~~practitioner~~ as defined in K.S.A. 65-
25 1113, and amendments thereto.

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

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

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

- 1 (g) "Board" means the emergency medical services board
2 established pursuant to K.S.A. 65-6102, and amendments thereto.
- 3 (h) "Emergency medical service" means the effective and
4 coordinated delivery of such care as may be required by an emergency
5 which includes the care and transportation of individuals by ambulance
6 services and the performance of authorized emergency care by a
7 physician, advanced *practice* registered nurse ~~practitioner~~, professional
8 nurse, a licensed physician assistant or attendant.
- 9 (i) "Emergency medical technician" means a person who holds an
10 emergency medical technician certificate issued pursuant to this act.
- 11 (j) "Emergency medical technician-defibrillator" means a person
12 who holds an emergency medical technician-defibrillator certificate
13 issued pursuant to this act.
- 14 (k) "Emergency medical technician-intermediate" means a person
15 who holds an emergency medical technician-intermediate certificate
16 issued pursuant to this act.
- 17 (l) "Emergency medical technician-intermediate/defibrillator"
18 means a person who holds both an emergency medical technician-
19 intermediate and emergency medical technician defibrillator certificate
20 issued pursuant to this act.
- 21 (m) "Emergency medical responder" means a person who holds an
22 emergency medical responder certificate issued pursuant to this act.
- 23 (n) "First responder" means a person who holds a first responder
24 certificate issued pursuant to this act.
- 25 (o) "Hospital" means a hospital as defined by K.S.A. 65-425, and
26 amendments thereto.
- 27 (p) "Instructor-coordinator" means a person who is certified under
28 this act to teach initial courses of certification of instruction and
29 continuing education classes.
- 30 (q) "Medical adviser" means a physician.
- 31 (r) "Medical protocols" mean written guidelines which authorize
32 attendants to perform certain medical procedures prior to contacting a
33 physician, physician assistant authorized by a physician, advanced
34 *practice* registered nurse ~~practitioner~~ authorized by a physician or
35 professional nurse authorized by a physician. The medical protocols
36 shall be approved by a county medical society or the medical staff of a
37 hospital to which the ambulance service primarily transports patients,
38 or if neither of the above are able or available to approve the medical
39 protocols, then the medical protocols shall be submitted to the medical

- 1 advisory council for approval.
- 2 (s) "Mobile intensive care technician" means a person who holds a
3 mobile intensive care technician certificate issued pursuant to this act.
- 4 (t) "Municipality" means any city, county, township, fire district or
5 ambulance service district.
- 6 (u) "Nonemergency transportation" means the care and transport
7 of a sick or injured person under a foreseen combination of
8 circumstances calling for continuing care of such person. As used in
9 this subsection, transportation includes performance of the authorized
10 level of services of the attendant whether within or outside the vehicle
11 as part of such transportation services.
- 12 (v) "Operator" means a person or municipality who has a permit to
13 operate an ambulance service in the state of Kansas.
- 14 (w) "Paramedic" means a person who holds a paramedic
15 certificate issued pursuant to this act.
- 16 (x) "Person" means an individual, a partnership, an association, a
17 joint-stock company or a corporation.
- 18 (y) "Physician" means a person licensed by the state board of
19 healing arts to practice medicine and surgery.
- 20 (z) "Physician assistant" means a person who is licensed under the
21 physician assistant licensure act and who is acting under the direction
22 of a responsible physician.
- 23 (aa) "Professional nurse" means a licensed professional nurse as
24 defined by K.S.A. 65-1113, and amendments thereto.
- 25 (bb) "Provider of training" means a corporation, partnership,
26 accredited postsecondary education institution, ambulance service, fire
27 department, hospital or municipality that conducts training programs
28 that include, but are not limited to, initial courses of instruction and
29 continuing education for attendants, instructor-coordinators or training
30 officers.
- 31 (cc) "Responsible physician" means responsible physician as such
32 term is defined under K.S.A. 65-28a02, and amendments thereto.
- 33 (dd) "Training officer" means a person who is certified pursuant to
34 this act to teach initial courses of instruction for first responders or
35 emergency medical responders and continuing education as prescribed
36 by the board.
- 37 Sec. 22. K.S.A. 2010 Supp. 65-6119 is hereby amended to read as
38 follows: 65-6119. (a) Notwithstanding any other provision of law,
39 mobile intensive care technicians may:

- 1 (1) Perform all the authorized activities identified in K.S.A. 65-
2 6120, 65-6121, 65-6123, 65-6144, and amendments thereto;
- 3 (2) when voice contact or a telemetered electrocardiogram is
4 monitored by a physician, physician assistant where authorized by a
5 physician, an advanced *practice* registered nurse ~~practitioner~~ where
6 authorized by a physician or licensed professional nurse where
7 authorized by a physician and direct communication is maintained, and
8 upon order of such person may administer such medications or
9 procedures as may be deemed necessary by a person identified in
10 subsection (a)(2);
- 11 (3) perform, during an emergency, those activities specified in
12 subsection (a)(2) before contacting a person identified in subsection (a)
13 (2) when specifically authorized to perform such activities by medical
14 protocols; and
- 15 (4) perform, during nonemergency transportation, those activities
16 specified in this section when specifically authorized to perform such
17 activities by medical protocols.
- 18 (b) An individual who holds a valid certificate as a mobile
19 intensive care technician once meeting the continuing education
20 requirements prescribed by the rules and regulations of the board, upon
21 application for renewal, shall be deemed to hold a certificate as a
22 paramedic under this act, and such individual shall not be required to
23 file an original application as a paramedic for certification under this
24 act.
- 25 (c) "Renewal" as used in subsection (b), refers to the first
26 opportunity that a mobile intensive care technician has to apply for
27 renewal of a certificate following the effective date of this act.
- 28 (d) Upon transition notwithstanding any other provision of law, a
29 paramedic may:
- 30 (1) Perform all the authorized activities identified in K.S.A. 65-
31 6120, 65-6121, 65-6144, and amendments thereto;
- 32 (2) when voice contact or a telemetered electrocardiogram is
33 monitored by a physician, physician assistant where authorized by a
34 physician or an advanced *practice* registered nurse ~~practitioner~~ where
35 authorized by a physician or licensed professional nurse where
36 authorized by a physician and direct communication is maintained, and
37 upon order of such person, may administer such medications or
38 procedures as may be deemed necessary by a person identified in
39 subsection (d)(2);

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

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

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

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

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

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

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

30 (b) An individual who holds a valid certificate as an emergency
31 medical technician-intermediate 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 (c) "Renewal" as used in subsection (b), refers to the second

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

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

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

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

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

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

1 certification as an advanced emergency medical technician under this
2 act.

3 (g) "Renewal" as used in subsection (f), refers to the second
4 opportunity that an emergency medical technician-intermediate and
5 emergency medical technician-defibrillator has to apply for renewal of
6 a certificate following the effective date of this act.

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

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

- 17 (1) Patient assessment and vital signs;
- 18 (2) airway maintenance including the use of:
 - 19 (A) Oropharyngeal and nasopharyngeal airways;
 - 20 (B) esophageal obturator airways with or without gastric suction
21 device;
 - 22 (C) multi-lumen airway; and
 - 23 (D) oxygen demand valves.
- 24 (3) Oxygen therapy;
- 25 (4) oropharyngeal suctioning;
- 26 (5) cardiopulmonary resuscitation procedures;
- 27 (6) control accessible bleeding;
- 28 (7) apply pneumatic anti-shock garment;
- 29 (8) manage outpatient medical emergencies;
- 30 (9) extricate patients and utilize lifting and moving techniques;
- 31 (10) manage musculoskeletal and soft tissue injuries including
32 dressing and bandaging wounds or the splinting of fractures,
33 dislocations, sprains or strains;
- 34 (11) use of backboards to immobilize the spine;
- 35 (12) administer activated charcoal and glucose;
- 36 (13) monitor peripheral intravenous line delivering intravenous
37 fluids during interfacility transport with the following restrictions:
 - 38 (A) The physician approves the transfer by an emergency medical
39 technician;

1 (B) no medications or nutrients have been added to the
2 intravenous fluids; and

3 (C) the emergency medical technician may monitor, maintain and
4 shut off the flow of intravenous fluid;

5 (14) use automated external defibrillators;

6 (15) administer epinephrine auto-injectors provided that:

7 (A) The emergency medical technician successfully completes a
8 course of instruction approved by the board in the administration of
9 epinephrine; and

10 (B) the emergency medical technician serves with an ambulance
11 service or a first response organization that provides emergency
12 medical services; and

13 (C) the emergency medical technician is acting pursuant to
14 medical protocols;

15 (16) perform, during nonemergency transportation, those activities
16 specified in this section when specifically authorized to perform such
17 activities by medical protocols; or

18 (17) when authorized by medical protocol, assist the patient in the
19 administration of the following medications which have been
20 prescribed for that patient: Auto-injection epinephrine, sublingual
21 nitroglycerin and inhalers for asthma and emphysema.

22 (b) An individual who holds a valid certificate as an emergency
23 medical technician at the current basic level once completing the board
24 prescribed transition course, and validation of cognitive and
25 psychomotor competency as determined by rules and regulations of the
26 board, upon application for renewal, shall be deemed to hold a
27 certificate as an emergency medical technician under this act, and such
28 individual shall not be required to file an original application for
29 certification as an emergency medical technician under this act.

30 (c)"Renewal" as used in subsection (b), refers to the first opportunity
31 that an emergency medical technician has to apply for renewal of a
32 certificate following the effective date of this act.

33 (d) Emergency medical technicians who fail to meet the transition
34 requirements as specified will be required, at a minimum, to gain the
35 continuing education applicable to emergency medical responder as
36 defined by rules and regulations of the board. Failure to do so will
37 result in loss of certification.

38 (e) Upon transition, notwithstanding any other provision of law to
39 the contrary, an emergency medical technician may perform any

1 activities identified in K.S.A. 65-6144, and amendments thereto, and
2 any of the following interventions, by use of the devices, medications
3 and equipment, or any combination thereof, after successfully
4 completing an approved course of instruction, local specialized device
5 training and competency validation and when authorized by medical
6 protocols, upon order when direct communication is maintained by
7 radio, telephone or video conference is monitored by a physician,
8 physician assistant when authorized by a physician, an advanced
9 *practice* registered nurse ~~practitioner~~ when authorized by a physician or
10 a licensed professional nurse when authorized by a physician, upon
11 order of such person:

- 12 (1) Airway maintenance including use of:
 - 13 (A) Single lumen airways as approved by the board;
 - 14 (B) multilumen airways;
 - 15 (C) ventilator devices;
 - 16 (D) forceps removal of airway obstruction;
 - 17 (E) CO2 monitoring;
 - 18 (F) airway suctioning;
- 19 (2) apply pneumatic anti-shock garment;
- 20 (3) assist with childbirth;
- 21 (4) monitoring urinary catheter;
- 22 (5) capillary blood sampling;
- 23 (6) cardiac monitoring;
- 24 (7) administration of patient assisted medications as approved by
25 the board;
- 26 (8) administration of medications as approved by the board by
27 appropriate routes; and
- 28 (9) monitor, maintain or discontinue flow of IV line if a physician
29 approves transfer by an emergency medical technician.

30 Sec. 25. K.S.A. 2010 Supp. 65-6123 is hereby amended to read as
31 follows: 65-6123. (a) Notwithstanding any other provision of law to the
32 contrary, an emergency medical technician-defibrillator may:

- 33 (1) Perform any of the activities identified in K.S.A. 65-6121, and
34 amendments thereto;
- 35 (2) when approved by medical protocols and where voice contact
36 by radio or telephone is monitored by a physician, physician assistant
37 where authorized by a physician, advanced *practice* registered nurse
38 ~~practitioner~~ where authorized by a physician, or licensed professional
39 nurse where authorized by a physician, and direct communication is

1 maintained, upon order of such person, may perform
2 electrocardiographic monitoring and defibrillation;

3 (3) perform, during an emergency, those activities specified in
4 subsection (b) before contacting the persons identified in subsection (b)
5 when specifically authorized to perform such activities by medical
6 protocols; or

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

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

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

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

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

35 (b) No attendant as defined by K.S.A. 65-6112, and amendments
36 thereto, who renders emergency care during an emergency pursuant to
37 instructions given by a physician, the responsible physician for a
38 physician assistant, advanced *practice* registered nurse ~~practitioner~~ or
39 licensed professional nurse shall be liable for civil damages as a result

1 of implementing such instructions, except such damages which may
2 result from gross negligence or by willful or wanton acts or omissions
3 on the part of such attendant as defined by K.S.A. 65-6112, and
4 amendments thereto.

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

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

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

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

1 successfully completed continuing education prescribed by the board
2 and is certified as an emergency medical technician, emergency
3 medical technician-intermediate, emergency medical technician-
4 defibrillator, mobile-intensive care technician, advanced emergency
5 medical technician, paramedic, physician, physician assistant, advanced
6 *practice* registered nurse ~~practitioner~~ or professional nurse. The board
7 may prorate to the nearest whole month the fee fixed under this
8 subsection as necessary to implement the provisions of this subsection.

9 (c) A training officer's certificate may be denied, revoked, limited,
10 modified or suspended by the board or the board may refuse to renew
11 such certificate if such individual:

12 (1) Fails to maintain certification or licensure as an emergency
13 medical technician, emergency medical technician-intermediate,
14 emergency medical technician-defibrillator, mobile intensive care
15 technician, advanced emergency medical technician, paramedic,
16 physician, physician assistant, advanced *practice* registered nurse
17 ~~practitioner~~ or professional nurse;

18 (2) fails to maintain support of appointment by a provider of
19 training;

20 (3) fails to successfully complete continuing education;

21 (4) has made intentional misrepresentations in obtaining a
22 certificate or renewing a certificate;

23 (5) has demonstrated incompetence or engaged in unprofessional
24 conduct as defined by rules and regulations adopted by the board;

25 (6) has violated or aided and abetted in the violation of any
26 provision of this act or the rules and regulations promulgated by the
27 board; or

28 (7) has been convicted of any state or federal crime that is related
29 substantially to the qualifications, functions and duties of a training
30 officer or any crime punishable as a felony under any state or federal
31 statute and the board determines that such individual has not been
32 sufficiently rehabilitated to warrant public trust. A conviction means a
33 plea of guilty, a plea of nolo contendere or a verdict of guilty. The
34 board may take disciplinary action pursuant to this section when the
35 time for appeal has elapsed, or after the judgment of conviction is
36 affirmed on appeal or when an order granting probation is made
37 suspending the imposition of sentence.

38 (d) The board may revoke, limit, modify or suspend a certificate or
39 the board may refuse to renew such certificate in accordance with the

1 provisions of the Kansas administrative procedure act.

2 (e) If a person who previously was certified as a training officer
3 applies for a training officer's certificate within two years of the date of
4 its expiration, the board may grant a certificate without the person
5 completing an initial course of training or taking an examination if the
6 person complies with the other provisions of subsection (a) and
7 completes continuing education requirements.

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

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

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

24 (1) Initial scene management including, but not limited to, gaining
25 access to the individual in need of emergency care, extricating, lifting
26 and moving the individual;

27 (2) cardiopulmonary resuscitation and airway management;

28 (3) control of bleeding;

29 (4) extremity splinting excluding traction splinting;

30 (5) stabilization of the condition of the individual in need of
31 emergency care;

32 (6) oxygen therapy;

33 (7) use of oropharyngeal airways;

34 (8) use of bag valve masks;

35 (9) use automated external defibrillators; and

36 (10) other techniques of preliminary care a first responder is
37 trained to provide as approved by the board.

38 (b) An individual who holds a valid certificate as a first responder,
39 once completing the board prescribed transition course, and validation

1 of cognitive and psychomotor competency as determined by rules and
2 regulations of the board, upon application for renewal, shall be deemed
3 to hold a certificate as an emergency medical responder under this act,
4 and such individual shall not be required to file an original application
5 for certification as an emergency medical responder under this act.

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

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

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

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

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

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

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

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

11 (d) The expense of obtaining certifications of health and
12 certifications of freedom from tuberculosis may be borne by the board
13 of education.

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

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

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

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

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

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

38 (1) A requirement of a written statement from the student's health
39 care provider stating the name and purpose of the medication; the

1 prescribed dosage; the time the medication is to be regularly
2 administered, and any additional special circumstances under which the
3 medication is to be administered; and the length of time for which the
4 medication is prescribed;

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

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

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

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

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

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

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

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

1 agents, harmless from and against any claims relating to the self-
2 administration of such medication.

3 (f) A school district shall require that any back-up medication
4 provided by the student's parent or guardian be kept at the student's
5 school in a location to which the student has immediate access in the
6 event of an asthma or anaphylaxis emergency.

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

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

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

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

19 (2) establishes a procedure for, and the conditions under which,
20 the authorization for the self-administration of medication may be
21 revoked.

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

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

35 (3) On the effective date of this act, the Kansas federation of
36 licensed practical nurses shall submit to the governor a list of licensed
37 practical nurses containing names of not less than three times the
38 number of persons to be appointed, and appointments shall be made
39 after consideration of such list, ~~with the first appointment being for a~~

1 ~~term of four years and the second appointment being for a term of two~~
2 ~~years. Upon the expiration of the term of any licensed practical nurse, a~~
3 ~~successor of like qualifications shall be appointed in the same manner~~
4 ~~as the original appointment for a term of four years and until a~~
5 ~~successor is appointed and qualified.~~

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

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

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

39 (c) *Duties and powers.* (1) The board shall meet annually at

1 Topeka during the month of September and shall elect from its
2 members a president, vice-president and secretary, each of whom shall
3 hold their respective offices for one year. The board shall employ an
4 executive administrator, who shall be a registered professional nurse,
5 who shall not be a member of the board and who shall be in the
6 unclassified service under the Kansas civil service act, and shall
7 employ such other employees, who shall be in the classified service
8 under the Kansas civil service act as necessary to carry on the work of
9 the board. As necessary, the board shall be represented by an attorney
10 appointed by the attorney general as provided by law, whose
11 compensation shall be determined and paid by the board with the
12 approval of the governor. The board may hold such other meetings
13 during the year as may be deemed necessary to transact its business.

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

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

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

35 (5) The board shall have a seal of which the executive
36 administrator shall be the custodian. The president and the secretary
37 shall have the power and authority to administer oaths in transacting
38 business of the board, and the secretary shall keep a record of all
39 proceedings of the board and a register of professional and practical

1 nurses and mental health technicians licensed and showing the
2 certificates of registration or licenses granted or revoked, which register
3 shall be open at all times to public inspection.

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

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

17 (8) A majority of the board of nursing including two professional
18 nurse members shall constitute a quorum for the transaction of
19 business.

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

38 (e) *Compensation and expenses.* Members of the board of nursing
39 attending meetings of such board, or attending a subcommittee meeting

1 thereof authorized by such board, shall be paid compensation,
2 subsistence allowances, mileage and other expenses as provided in
3 K.S.A. 75-3223, and amendments thereto. No member of the board of
4 nursing shall be paid an amount as provided in K.S.A. 75-3223, and
5 amendments thereto, if such member receives an amount from another
6 governmental or private entity for the purpose for which such amount
7 is payable under K.S.A. 75-3223, and amendments thereto.

8 Sec. 33. K.S.A. 74-32,131 is hereby amended to read as follows:
9 74-32,131. This act shall be known and may be cited as the advanced
10 *practice* registered nurse ~~practitioner~~ service scholarship program.

11 Sec. 34. K.S.A. 74-32,132 is hereby amended to read as follows:
12 74-32,132. As used in this act:

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

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

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

23 (d) "Medically underserved area" means a practice location
24 designated medically underserved by the secretary of health and
25 environment.

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

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

36 (b) The determination of the individuals qualified for scholarships
37 shall be made by the executive officer after seeking advice from the
38 committee. Scholarships shall be awarded on a priority basis to
39 qualified applicants in the advanced *practice* registered nurse

1 ~~practitioner roles categories~~ of nurse clinician or *advanced practice*
2 *registered nurse practitioner* or clinical specialist who have the greatest
3 financial need for such scholarships and who are residents of this state.
4 To the extent practicable and consistent with the other provisions of this
5 section, consideration shall be given to minority applicants.

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

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

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

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

37 (1) Engage as a full-time student in and complete the required
38 course of instruction leading to the *licensure certificate of qualification*
39 as an advanced *practice registered nurse practitioner*;

1 (2) within six months after graduation from the educational and
2 training program for advanced *practice* registered ~~nurses nurse-~~
3 ~~practitioners~~, commence full-time practice as an advanced *practice*
4 registered nurse ~~practitioner~~, or commence the equivalent to full-time
5 practice, or commence part-time practice as an advanced *practice*
6 registered nurse ~~practitioner~~, in a rural area or a medically underserved
7 area, continue such practice for the total amount of time required under
8 the agreement, and comply with such other terms and conditions as
9 may be specified by the agreement;

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

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

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

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

1 which is equivalent to the interest rate applicable to loans made under
2 the federal PLUS program at the time such person first entered into an
3 agreement plus five percentage points. Installment payments of such
4 amounts may be made in accordance with rules and regulations of the
5 state board of regents, except that such installment payments shall
6 commence six months after the date of the action or circumstances that
7 cause the failure of the person to satisfy the obligations of such
8 agreements, as determined by the executive officer based upon the
9 circumstances of each individual case. Amounts paid under this section
10 to the executive officer shall be deposited in the advanced *practice*
11 registered nurse ~~practitioner~~ service scholarship program fund in
12 accordance with K.S.A. 74-32,138, and amendments thereto.

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

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

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

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

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

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

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

34 Sec. 41. K.S.A. 40-2250, 65-1113, 65-1114, 65-1118, 65-1120, 65-
35 1122, 65-1130, 65-1131, 65-1133, 65-1154, 65-1163, 74-32,131, 74-
36 32,132, 74-32,133, 74-32,134, 74-32,135, 74-32,136, 74-32,137 and
37 74-32,138 and K.S.A. 2010 Supp. 8-1,125, 39-7,119, 40-2,111, 65-468,
38 65-1132, 65-1626, 65-1626d, 65-2921, 65-4101, 65-5402, 65-6112, 65-
39 6119, 65-6120, 65-6121, 65-6123, 65-6124, 65-6129c, 65-6135, 65-

- 1 6144, 72-5213, 72-8252 and 74-1106 are hereby repealed.
- 2 Sec. 42. This act shall take effect and be in force from and after its
- 3 publication in the statute book.