

As Amended by House Committee

[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, 65-468,
6 65-1132, 65-1626, 65-2921, 65-4101, 65-5402, 65-6112, 65-6119, 65-
7 6120, 65-6121, 65-6123, 65-6124, 65-6129c, 65-6135, 65-6144, 72-
8 5213, 72-8252 and 74-1106 and repealing the existing sections; also
9 repealing K.S.A. 2010 Supp. 65-1626d.

10

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

12 Section 1. K.S.A. 65-1113 is hereby amended to read as follows: 65-
13 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 of
19 the nursing regimen and shall be construed as distinct from a medical
20 diagnosis.

21

(c) "Treatment" means the selection and performance of those
22 therapeutic measures essential to effective execution and management of
23 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 applied
29 to: the care, diagnosis, treatment, counsel and health teaching of persons
30 who are experiencing changes in the normal health processes or who
31 require assistance in the maintenance of health or the prevention or
32 management of illness, injury or infirmity; administration, supervision or

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

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

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

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

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

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

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

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

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

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

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

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

40 Sec. 3. K.S.A. 65-1118 is hereby amended to read as follows: 65-
41 1118. (a) The board shall collect in advance fees provided for in this act as
42 fixed by the board, but not exceeding:

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

1 Application for license—practical nurse.....50
 2 Application for biennial renewal of license—professional nurse and
 3 practical nurse.....60
 4 Application for reinstatement of license.....70
 5 Application for reinstatement of licenses with temporary permit....100
 6 Certified copy of license.....25
 7 Duplicate of license.....25
 8 Inactive license.....20
 9 Application for ~~license certificate of qualification~~—advanced *practice*
 10 registered nurse practitioner.....50
 11 Application for ~~license certificate of qualification~~ with temporary
 12 permit—advanced *practice* registered nurse practitioner...100
 13 Application for renewal of ~~license certificate of qualification~~—
 14 advanced *practice* registered nurse practitioner.....60
 15 Application for reinstatement of ~~license certificate of qualification~~—
 16 advanced *practice* registered nurse practitioner.....75
 17 Application for authorization—registered nurse anesthetist.....75
 18 Application for authorization with temporary authorization—
 19 registered nurse anesthetist.....110
 20 Application for biennial renewal of authorization—registered nurse
 21 anesthetist.....60
 22 Application for reinstatement of authorization—registered nurse
 23 anesthetist.....75
 24 Application for reinstatement of authorization with temporary
 25 authorization—registered nurse anesthetist.....100
 26 Verification of license to another state.....30
 27 Application for exempt license—professional and practical nurse...50
 28 Application for biennial renewal of exempt license—professional and
 29 practical nurse.....50
 30 Application for exempt ~~license certification~~—advanced *practice*
 31 registered nurse practitioner.....50
 32 Application for biennial renewal of exempt ~~license certificate~~—
 33 advanced *practice* registered nurse practitioner.....50
 34 (b) The board may require that fees paid for any examination under
 35 the Kansas nurse practice act be paid directly to the examination service
 36 by the person taking the examination.
 37 (c) The board shall accept for payment of fees under this section
 38 personal checks, certified checks, cashier's checks, money orders or credit
 39 cards. The board may designate other methods of payment, but shall not
 40 refuse payment in the form of a personal check. The board may impose
 41 additional fees and recover any costs incurred by reason of payments made
 42 by personal checks with insufficient funds and payments made by credit
 43 cards.

1 Sec. 4. K.S.A. 65-1120 is hereby amended to read as follows: 65-
2 1120. (a) *Grounds for disciplinary actions.* The board may deny, revoke,
3 limit or suspend any license, ~~certificate of qualification~~ or authorization to
4 practice nursing as a registered professional nurse, as a licensed practical
5 nurse, as an advanced *practice* registered nurse ~~practitioner~~ or as a
6 registered nurse anesthetist that is issued by the board or applied for under
7 this act or may publicly or privately censure a licensee or holder of a
8 ~~certificate of qualification~~ *temporary permit* or authorization, if the
9 applicant, licensee or holder of a *temporary permit* ~~certificate of~~
10 ~~qualification~~ or authorization is found after hearing:

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

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

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

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

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

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

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

37 (8) to have a license to practice nursing as a registered nurse or as a
38 practical nurse denied, revoked, limited or suspended, or to be publicly or
39 privately censured, by a licensing authority of another state, agency of the
40 United States government, territory of the United States or country or to
41 have other disciplinary action taken against the applicant or licensee by a
42 licensing authority of another state, agency of the United States
43 government, territory of the United States or country. A certified copy of

1 the record or order of public or private censure, denial, suspension,
2 limitation, revocation or other disciplinary action of the licensing authority
3 of another state, agency of the United States government, territory of the
4 United States or country shall constitute prima facie evidence of such a
5 fact for purposes of this paragraph (8); or

6 (9) to have assisted suicide in violation of ~~K.S.A. 21-3406~~ ***K.S.A. 21-***
7 ***3406, prior to its repeal, or section 42 of chapter 136 of the 2010 Session***
8 ***Laws of Kansas***, and amendments thereto, as established by any of the
9 following:

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

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

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

19 (b) *Proceedings.* Upon filing of a sworn complaint with the board
20 charging a person with having been guilty of any of the unlawful practices
21 specified in subsection (a), two or more members of the board shall
22 investigate the charges, or the board may designate and authorize an
23 employee or employees of the board to conduct an investigation. After
24 investigation, the board may institute charges. If an investigation, in the
25 opinion of the board, reveals reasonable grounds for believing the
26 applicant or licensee is guilty of the charges, the board shall fix a time and
27 place for proceedings, which shall be conducted in accordance with the
28 provisions of the Kansas administrative procedure act.

29 (c) *Witnesses.* No person shall be excused from testifying in any
30 proceedings before the board under this act or in any civil proceedings
31 under this act before a court of competent jurisdiction on the ground that
32 such testimony may incriminate the person testifying, but such testimony
33 shall not be used against the person for the prosecution of any crime under
34 the laws of this state except the crime of perjury as defined in ~~K.S.A. 21-~~
35 ***3805 K.S.A. 21-3805, prior to its repeal, or section 128 of chapter 136 of***
36 ***the 2010 Session Laws of Kansas***, and amendments thereto.

37 (d) *Costs.* If final agency action of the board in a proceeding under
38 this section is adverse to the applicant or licensee, the costs of the board's
39 proceedings shall be charged to the applicant or licensee as in ordinary
40 civil actions in the district court, but if the board is the unsuccessful party,
41 the costs shall be paid by the board. Witness fees and costs may be taxed
42 by the board according to the statutes relating to procedure in the district
43 court. All costs accrued by the board, when it is the successful party, and

1 which the attorney general certifies cannot be collected from the applicant
2 or licensee shall be paid from the board of nursing fee fund. All moneys
3 collected following board proceedings shall be credited in full to the board
4 of nursing fee fund.

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

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

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

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

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

20 Sec. 5. K.S.A. 65-1122 is hereby amended to read as follows: 65-
21 1122. It is a violation of law for any person, firm, corporation or
22 association to:

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

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

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

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

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

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

42 (g) represent that a provider of continuing nursing education is
43 approved by the board for educating either professional nurses or practical

1 nurses, unless the provider of continuing nursing education has been
2 approved by the board and the approval is in full force.

3 Any person who violates this section is guilty of a class B
4 misdemeanor, except that, upon conviction of a second or subsequent
5 violation of this section, such person is guilty of a class A misdemeanor.

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

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

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

26 (1) Establish *roles and identify titles and abbreviations categories* of
27 advanced *practice* registered *nurses* ~~nurse practitioners~~ which are
28 consistent with nursing practice specialties recognized by the nursing
29 profession.

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

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

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

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

1 medicine and surgery in Kansas who has accepted responsibility for the
2 protocol and the actions of the advanced *practice* registered nurse
3 ~~practitioner~~ when prescribing drugs.

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

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

14 Sec. 7. K.S.A. 65-1131 is hereby amended to read as follows: 65-
15 1131. (a) (1) ~~Certification.~~*Licensure.* Upon application to the board by any
16 professional nurse in this state and upon satisfaction of the standards and
17 requirements established by the board under K.S.A. 65-1130, and
18 amendments thereto, the board may issue a *license certificate of*
19 ~~qualification~~ to such applicant authorizing the applicant to perform the
20 duties of an advanced *practice* registered nurse ~~practitioner~~ as defined by
21 the board under K.S.A. 65-1130, and amendments thereto.

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

30 (3) An application to the board for a *license certificate of*
31 ~~qualification~~, for a *license certificate of qualification* with temporary
32 permit, for renewal of a *license certificate of qualification* and for
33 reinstatement of a *license certificate of qualification* shall be upon such
34 form and contain such information as the board may require and shall be
35 accompanied by a fee, to be established by rules and regulations adopted
36 by the board, to assist in defraying the expenses in connection with the
37 issuance of *licenses certificates of qualification* as advanced *practice*
38 registered *nurses nurse practitioners*, in an amount fixed by the board
39 under K.S.A. 65-1118, and amendments thereto.

40 (4) An application for initial *licensure certification* or endorsement
41 will be held awaiting completion of meeting qualifications for a time
42 period specified in rules and regulations.

43 (5) The executive administrator of the board shall remit all moneys

1 received pursuant to this section to the state treasurer as provided by
2 K.S.A. 74-1108, and amendments thereto.

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

7 (c) ~~Exempt license certificate.~~ The board may issue an exempt *license*
8 ~~certificate~~ to any advanced *practice* registered nurse practitioner as defined
9 in rules and regulations who makes written application for such *license*
10 ~~certificate~~ on a form provided by the board, who remits a fee as
11 established pursuant to K.S.A. 65-1118, and amendments thereto, and who
12 is not regularly engaged in advanced *practice* registered ~~nursing nurse~~
13 ~~practice~~ in Kansas but volunteers advanced *practice* registered nursing
14 services or is a charitable health care provider as defined by K.S.A. 75-
15 6102, and amendments thereto. Each exempt advanced *practice* registered
16 nurse practitioner shall be subject to all provisions of the nurse practice
17 act. Each exempt license may be renewed biennially subject to the
18 provisions of this section. To convert an exempt *license certificate* to an
19 active *license certificate*, the exempt advanced *practice* registered nurse
20 practitioner shall meet all the requirements of subsection (a) or K.S.A. 65-
21 1132, and amendments thereto. The board shall have authority to write
22 rules and regulations to carry out the provisions of this section.

23 Sec. 8. K.S.A. 2010 Supp. 65-1132 is hereby amended to read as
24 follows: 65-1132. (a)(+) All ~~licenses certificates of qualification~~ issued
25 under the provisions of this act, whether initial or renewal, shall expire
26 every two years. The expiration date shall be established by rules and
27 regulations of the board. The board shall send a notice for renewal of a
28 ~~license certificate of qualification~~ to every advanced *practice* registered
29 nurse practitioner at least 60 days prior to the expiration date of such
30 person's license. Every person who desires to renew such *license*
31 ~~certificate of qualification~~ shall file with the board, on or before the date of
32 expiration of such *license certificate of qualification*.~~;~~

33 (1) A renewal application together with the prescribed biennial renewal
34 fee. ~~And;~~

35 (2) *evidence of completion of continuing education in the advanced*
36 *practice registered nurse role, which has met the continuing education*
37 *requirement for an advanced practice registered nurse as developed by the*
38 *board or by a national organization whose certifying standards are*
39 *approved by the board as equal to or greater than the corresponding*
40 *standards established by the board. These continuing education credits*
41 *approved by the board may be applied to satisfy the continuing education*
42 *requirements established by the board for licensed professional nurses*
43 *under K.S.A. 65-1117, and amendments thereto, if the board finds such*

1 continuing education credits are equivalent to those required by the board
2 under K.S.A. 65-1117, and amendments thereto; **[and]**

3 ~~(2) be currently licensed~~ **[(3) evidence of current licensure]** as a
4 professional nurse; ~~and.]~~

5 ~~(3)~~ Upon receipt of such application and payment of any applicable
6 fee, and upon being satisfied that the applicant for renewal of a *license*
7 ~~certificate of qualification~~ meets the requirements established by the board
8 under K.S.A. 65-1130, and amendments thereto, in effect at the time of
9 initial qualification of the applicant, the board shall verify the accuracy of
10 the application and grant a renewal *license*. ~~certificate of qualification.~~

11 (b) Any person who fails to secure a renewal *license* ~~certificate of~~
12 ~~qualification~~ prior to the expiration of the *license* ~~certificate of~~
13 ~~qualification~~ may secure a reinstatement of such lapsed *license* ~~certificate~~
14 ~~of qualification~~ by making application therefor on a form provided by the
15 board, upon furnishing proof that the applicant is competent and qualified
16 to act as an advanced *practice* registered nurse ~~practitioner~~ and upon
17 satisfying all of the requirements for reinstatement including payment to
18 the board of a reinstatement fee as established by the board.

19 Sec. 9. K.S.A. 65-1133 is hereby amended to read as follows: 65-
20 1133. (a) An approved educational and training program for advanced
21 *practice* registered ~~nurses~~ ~~nurse practitioners~~ is a program conducted in
22 Kansas which has been approved by the board as meeting the standards
23 and the rules and regulations of the board. An institution desiring to
24 conduct an educational and training program for advanced *practice*
25 registered ~~nurses~~ ~~nurse practitioners~~ shall apply to the board for approval
26 and submit satisfactory proof that it is prepared to and will maintain the
27 standards and the required curriculum for advanced *practice* registered
28 ~~nurses~~ ~~nurse practitioners~~ as prescribed by this act and by the rules and
29 regulations of the board. Applications shall be made in writing on forms
30 supplied by the board and shall be submitted to the board together with the
31 application fee fixed by the board. The approval of an educational program
32 for advanced *practice* registered ~~nurses~~ ~~nurse practitioners~~ shall not
33 exceed 10 years after the granting of such approval by the board. An
34 institution desiring to continue to conduct an approved educational
35 program for advanced *practice* registered ~~nurses~~ ~~nurse practitioners~~ shall
36 apply to the board for the renewal of approval and submit satisfactory
37 proof that it will maintain the standards and the required curriculum for
38 advanced *practice* registered ~~nurses~~ ~~nurse practitioners~~ as prescribed by
39 this act and by the rules and regulations of the board. Applications for
40 renewal of approval shall be made in writing on forms supplied by the
41 board. Each program shall submit annually to the board an annual fee
42 fixed by the board's rules and regulations to maintain the approved status.

43 (b) A program to qualify as an approved educational program for

1 advanced *practice* registered ~~nurses~~ ~~nurse practitioners~~ must be conducted
2 in the state of Kansas, and the school conducting the program must apply
3 to the board and submit evidence that: (1) It is prepared to carry out the
4 curriculum prescribed by rules and regulations of the board; and (2) it is
5 prepared to meet such other standards as shall be established by law and
6 the rules and regulations of the board.

7 (c) The board shall prepare and maintain a list of programs which
8 qualify as approved educational programs for advanced *practice* registered
9 ~~nurses~~ ~~nurse practitioners~~ whose graduates, if they have the other
10 necessary qualifications provided in this act, shall be eligible to apply for
11 ~~licensure certificates of qualification~~ as advanced *practice* registered
12 ~~nurses~~ ~~nurse practitioners~~. A survey of the institution or school applying
13 for approval of an educational program for advanced *practice* registered
14 ~~nurses~~ ~~nurse practitioners~~ shall be made by an authorized employee of the
15 board or members of the board, who shall submit a written report of the
16 survey to the board. If, in the opinion of the board, the requirements as
17 prescribed by the board in its rules and regulations for approval are met, it
18 shall so approve the program. The board shall resurvey approved programs
19 on a periodic basis as determined by rules and regulations. If the board
20 determines that any approved program is not maintaining the standards
21 required by this act and by rules and regulations prescribed by the board,
22 notice thereof in writing, specifying the failures of such program, shall be
23 given. A program which fails to correct such conditions to the satisfaction
24 of the board within a reasonable time shall be removed from the list of
25 approved programs until such time as the program shall comply with such
26 standards. All approved programs shall maintain accurate and current
27 records showing in full the theoretical and practical courses given to each
28 student.

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

33 (1) Advanced *practice* registered nurse ~~practitioner~~ programs which
34 have received accreditation from a board recognized national nursing
35 accreditation agency shall file evidence of initial accreditation with the
36 board, and thereafter shall file all reports from the accreditation agency
37 and any notice of any change in school accreditation status.

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

42 (3) The board may grant approval to an advanced *practice* registered
43 nurse ~~practitioner~~ program with national accreditation for a continuing

1 period not to exceed 10 years.

2 Sec. 10. K.S.A. 65-1154 is hereby amended to read as follows: 65-
3 1154. Upon application to the board by any licensed professional nurse in
4 this state and upon satisfaction of the standards and requirements
5 established under this act and K.S.A. 65-1130, and amendments thereto,
6 the board shall grant an authorization to the applicant to perform the duties
7 of a registered nurse anesthetist and be *licensed* ~~certified~~ as an advanced
8 *practice* registered nurse. ~~practitioner~~. An application to the board for an
9 authorization, for an authorization with temporary authorization, for
10 biennial renewal of authorization, for reinstatement of authorization and
11 for reinstatement of authorization with temporary authorization shall be
12 upon such form and contain such information as the board may require and
13 shall be accompanied by a fee to assist in defraying the expenses in
14 connection with the administration of the provisions of this act. The fee
15 shall be fixed by rules and regulations adopted by the board in an amount
16 fixed by the board under K.S.A. 65-1118, and amendments thereto. There
17 shall be no fee assessed for the initial, renewal or reinstatement of the
18 advanced *practice* registered nurse *license* ~~practitioner certificate~~ as long
19 as the registered nurse anesthetist maintains authorization. The executive
20 administrator of the board shall remit all moneys received to the state
21 treasurer as provided by K.S.A. 74-1108, and amendments thereto.

22 Sec. 11. K.S.A. 65-1163 is hereby amended to read as follows: 65-
23 1163. Nothing in this act shall:

24 (a) Prohibit administration of a drug by a duly licensed professional
25 nurse, licensed practical nurse or other duly authorized person for the
26 alleviation of pain, including administration of local anesthetics;

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

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

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

35 (e) apply to the administration by a licensed professional nurse of an
36 anesthetic, other than general anesthesia, for a dental operation under the
37 direct supervision of a licensed dentist or for a dental operation under the
38 direct supervision of a person licensed to practice medicine and surgery;

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

42 (g) prohibit a registered professional nurse from administering
43 general anesthetic agents to a patient on ventilator maintenance in critical

1 care units when under the direction of a person licensed to practice
2 medicine and surgery or a person licensed to practice dentistry.

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

38 (b) Special license plates issued pursuant to this section shall be
39 issued for the same period of time as other license plates are issued or for
40 the remainder of such period if an existing license plate is to be exchanged
41 for the special license plate. There shall be no fee for such special license
42 plates in addition to the regular registration fee. No person shall be issued
43 more than one special license plate, except that agencies or businesses

1 which provide transportation for persons with a disability as a service, may
2 obtain additional special license plates for vehicles which are utilized in
3 the provision of that service. Special license plates may be personalized
4 license plates subject to the provisions of K.S.A. 8-132, and amendments
5 thereto, including the payment of the additional fee.

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

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

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

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

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

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

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

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

41 (2) one licensed physician actively engaged in the practice of
42 osteopathic medicine, nominated by the Kansas association of osteopathic
43 medicine and appointed by the Kansas health policy authority from a list

1 of four nominees;

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

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

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

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

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

17 (e) The appointments to the board shall be for terms of three years. In
18 making the appointments, the Kansas health policy authority shall provide
19 for geographic balance in the representation on the board to the extent
20 possible. Subject to the provisions of subsection (i), members may be
21 reappointed.

22 (f) The board shall elect a chairperson from among board members
23 who shall serve a one-year term. The chairperson may serve consecutive
24 terms.

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

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

32 (i) Upon the expiration of the term of office of any member of the
33 medicaid drug utilization review board on or after the effective date of this
34 act and in any case of a vacancy existing in the membership position of
35 any member of the medicaid drug utilization review board on or after the
36 effective date of this act, a successor shall be appointed by the Kansas
37 health policy authority so that as the terms of members expire, or
38 vacancies occur, members are appointed and the composition of the board
39 is changed in accordance with the following and such appointment shall be
40 made by the Kansas health policy authority in the following order of
41 priority:

42 (1) One member shall be a licensed pharmacist who is actively
43 performing or who has experience performing medicaid pharmacy services

1 for a hospital and who is nominated by the Kansas hospital association and
2 appointed by the Kansas health policy authority from a list of two or more
3 nominees;

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

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

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

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

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

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

34 (8) one member shall be a licensed pharmacist who is actively
35 engaged in or who has experience in research pharmacy and who is
36 nominated jointly by the Kansas task force for the pharmaceutical research
37 and manufacturers association and the university of Kansas and appointed
38 by the Kansas health policy authority from a list of two or more jointly
39 nominated persons; and

40 (9) one member shall be a licensed advanced *practice* registered
41 nurse ~~practitioner~~ or physician assistant actively engaged in the practice of
42 providing the health care and treatment services such person is licensed to
43 perform, who has practice experience with the state medicaid plan and

1 who is nominated jointly by the Kansas state nurses' association and the
2 Kansas academy of physician assistants and appointed by the Kansas
3 health policy authority from a list of two or more jointly nominated
4 persons.

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

10 (1) A declination of insurance coverage;
11 (2) a termination of insurance coverage;
12 (3) an offer to insure at higher than standard rates, with respect to life,
13 health or disability insurance coverage; or
14 (4) the charging of a higher rate on the basis of information which
15 differs from that which the applicant or policyholder furnished, with
16 respect to property or casualty insurance coverage.

17 (b) "Declination of insurance coverage" means a denial, in whole or
18 in part, by an insurance company or agent of requested insurance
19 coverage.

20 (c) "Health care institution" means any medical care facility, adult
21 care home, drug abuse and alcoholic treatment facility, home-health
22 agency certified for federal reimbursement, mental health center or mental
23 health clinic licensed by the secretary of social and rehabilitation services,
24 kidney disease treatment center, county, city-county or multicounty health
25 departments and health-maintenance organization.

26 (d) "Health care provider" means any person licensed to practice any
27 branch of the healing arts, licensed dentist, licensed professional nurse,
28 licensed practical nurse, *licensed advanced practice* registered nurse
29 ~~practitioner~~, licensed optometrist, licensed physical therapist, licensed
30 social worker, licensed physician assistant, licensed podiatrist or licensed
31 psychologist.

32 (e) "Institutional source" means any natural person, corporation,
33 association, partnership or governmental or other legal entity that provides
34 information about an individual to an agent or insurance company, other
35 than:

36 (1) An agent;
37 (2) the individual who is the subject of the information; or
38 (3) a natural person acting in a personal capacity rather than a
39 business or professional capacity.

40 (f) "Insurance transaction" means any transaction involving
41 insurance, but not including group insurance coverage, primarily for
42 personal, family or household needs rather than business or professional
43 needs.

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

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

4 (2) is obtained from a health care provider or health care institution,
5 from the individual, or from the individual's spouse, parent or legal
6 guardian.

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

10 (1) The failure to pay a premium as required by the policy; or

11 (2) at the request or direction of the insured.

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

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

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

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

30 (a) "Health care provider" means any person licensed or otherwise
31 authorized by law to provide health care services in this state or a
32 professional corporation organized pursuant to the professional
33 corporation law of Kansas by persons who are authorized by law to form
34 such corporation and who are health care providers as defined by this
35 subsection, or an officer, employee or agent thereof, acting in the course
36 and scope of employment or agency.

37 (b) "Member" means any hospital, emergency medical service, local
38 health department, home health agency, adult care home, medical clinic,
39 mental health center or clinic or nonemergency transportation system.

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

43 (d) "Physician" means a person licensed to practice medicine and

1 surgery.

2 (e) "Rural health network" means an alliance of members including at
3 least one critical access hospital and at least one other hospital which has
4 developed a comprehensive plan submitted to and approved by the
5 secretary of health and environment regarding patient referral and transfer;
6 the provision of emergency and nonemergency transportation among
7 members; the development of a network-wide emergency services plan;
8 and the development of a plan for sharing patient information and services
9 between hospital members concerning medical staff credentialing, risk
10 management, quality assurance and peer review.

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

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

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

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

1 or research subject by:

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

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

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

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

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

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

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

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

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

36 (h) "Co-licensee" means a pharmaceutical manufacturer that has
37 entered into an agreement with another pharmaceutical manufacturer to
38 engage in a business activity or occupation related to the manufacture or
39 distribution of a prescription drug and the national drug code on the drug
40 product label shall be used to determine the identity of the drug
41 manufacturer.

42 (i) "Deliver" or "delivery" means the actual, constructive or attempted
43 transfer from one person to another of any drug whether or not an agency

1 relationship exists.

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

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

10 (l) "Dispenser" means a practitioner or pharmacist who dispenses
11 prescription medication.

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

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

15 (o) "Drop shipment" means the sale, by a manufacturer, that
16 manufacturer's co-licensuree, that manufacturer's third party logistics
17 provider, or that manufacturer's exclusive distributor, of the manufacturer's
18 prescription drug, to a wholesale distributor whereby the wholesale
19 distributor takes title but not possession of such prescription drug and the
20 wholesale distributor invoices the pharmacy, the chain pharmacy
21 warehouse, or other designated person authorized by law to dispense or
22 administer such prescription drug, and the pharmacy, the chain pharmacy
23 warehouse, or other designated person authorized by law to dispense or
24 administer such prescription drug receives delivery of the prescription
25 drug directly from the manufacturer, that manufacturer's co-licensuree, that
26 manufacturer's third party logistics provider, or that manufacturer's
27 exclusive distributor, of such prescription drug. Drop shipment shall be
28 part of the "normal distribution channel."-

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

42 (q) "Durable medical equipment" means technologically sophisticated
43 medical devices that may be used in a residence, including the following:

1 (1) Oxygen and oxygen delivery system; (2) ventilators; (3) respiratory
2 disease management devices; (4) continuous positive airway pressure
3 (CPAP) devices; (5) electronic and computerized wheelchairs and seating
4 systems; (6) apnea monitors; (7) transcutaneous electrical nerve stimulator
5 (TENS) units; (8) low air loss cutaneous pressure management devices; (9)
6 sequential compression devices; (10) feeding pumps; (11) home
7 phototherapy devices; (12) infusion delivery devices; (13) distribution of
8 medical gases to end users for human consumption; (14) hospital beds;
9 (15) nebulizers; (16) other similar equipment determined by the board in
10 rules and regulations adopted by the board.

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

19 (s) "Electronic transmission" means transmission of information in
20 electronic form or the transmission of the exact visual image of a
21 document by way of electronic equipment.

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

24 (u) (1) "Institutional drug room" means any location where
25 prescription-only drugs are stored and from which prescription-only drugs
26 are administered or dispensed and which is maintained or operated for the
27 purpose of providing the drug needs of:

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

29 (B) residents of a juvenile detention facility, as defined by the revised
30 Kansas code for care of children and the revised Kansas juvenile justice
31 code;

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

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

36 (E) persons receiving inpatient hospice services.

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

38 (A) Any registered pharmacy;

39 (B) any office of a practitioner; or

40 (C) a location where no prescription-only drugs are dispensed and no
41 prescription-only drugs other than individual prescriptions are stored or
42 administered.

43 (v) "Intracompany transaction" means any transaction or transfer

1 between any division, subsidiary, parent or affiliated or related company
2 under common ownership or control of a corporate entity, or any
3 transaction or transfer between co-licensees of a co-licensed product.

4 (w) "Medical care facility" shall have the meaning provided in K.S.A.
5 65-425, and amendments thereto, except that the term shall also include
6 facilities licensed under the provisions of K.S.A. 75-3307b, and
7 amendments thereto, except community mental health centers and
8 facilities for the mentally retarded.

9 (x) "Manufacture" means the production, preparation, propagation,
10 compounding, conversion or processing of a drug either directly or
11 indirectly by extraction from substances of natural origin, independently
12 by means of chemical synthesis or by a combination of extraction and
13 chemical synthesis and includes any packaging or repackaging of the drug
14 or labeling or relabeling of its container, except that this term shall not
15 include the preparation or compounding of a drug by an individual for the
16 individual's own use or the preparation, compounding, packaging or
17 labeling of a drug by: (1) A practitioner or a practitioner's authorized agent
18 incident to such practitioner's administering or dispensing of a drug in the
19 course of the practitioner's professional practice; (2) a practitioner, by a
20 practitioner's authorized agent or under a practitioner's supervision for the
21 purpose of, or as an incident to, research, teaching or chemical analysis
22 and not for sale; or (3) a pharmacist or the pharmacist's authorized agent
23 acting under the direct supervision of the pharmacist for the purpose of, or
24 incident to, the dispensing of a drug by the pharmacist.

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

27 (z) "Normal distribution channel" means a chain of custody for a
28 prescription-only drug that goes from a manufacturer of the prescription-
29 only drug, from that manufacturer to that manufacturer's co-licensed
30 partner, from that manufacturer to that manufacturer's third-party logistics
31 provider, or from that manufacturer to that manufacturer's exclusive
32 distributor, directly or by drop shipment, to:

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

35 (2) a wholesale distributor to a pharmacy to a patient or other
36 designated persons authorized by law to dispense or administer such drug
37 to a patient;

38 (3) a wholesale distributor to a chain pharmacy warehouse to that
39 chain pharmacy warehouse's intracompany pharmacy to a patient or other
40 designated persons authorized by law to dispense or administer such drug
41 to a patient; or

42 (4) a chain pharmacy warehouse to the chain pharmacy warehouse's
43 intracompany pharmacy to a patient or other designated persons authorized

1 by law to dispense or administer such drug to a patient.

2 (aa) "Person" means individual, corporation, government,
3 governmental subdivision or agency, partnership, association or any other
4 legal entity.

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

7 (cc) "Pharmacist in charge" means the pharmacist who is responsible
8 to the board for a registered establishment's compliance with the laws and
9 regulations of this state pertaining to the practice of pharmacy,
10 manufacturing of drugs and the distribution of drugs. The pharmacist in
11 charge shall supervise such establishment on a full-time or a part-time
12 basis and perform such other duties relating to supervision of a registered
13 establishment as may be prescribed by the board by rules and regulations.
14 Nothing in this definition shall relieve other pharmacists or persons from
15 their responsibility to comply with state and federal laws and regulations.

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

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

31 (ff) "Pharmacy technician" means an individual who, under the direct
32 supervision and control of a pharmacist, may perform packaging,
33 manipulative, repetitive or other nondiscretionary tasks related to the
34 processing of a prescription or medication order and who assists the
35 pharmacist in the performance of pharmacy related duties, but who does
36 not perform duties restricted to a pharmacist.

37 (gg) "Practitioner" means a person licensed to practice medicine and
38 surgery, dentist, podiatrist, veterinarian, optometrist ~~licensed under the~~
39 ~~optometry law as a therapeutic licensee or diagnostic and therapeutic~~
40 ~~licensee~~, or scientific investigator or other person authorized by law to use
41 a prescription-only drug in teaching or chemical analysis or to conduct
42 research with respect to a prescription-only drug.

43 (hh) "Preceptor" means a licensed pharmacist who possesses at least

1 two years' experience as a pharmacist and who supervises students
2 obtaining the pharmaceutical experience required by law as a condition to
3 taking the examination for licensure as a pharmacist.

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

6 (jj) "Prescription medication" means any drug, including label and
7 container according to context, which is dispensed pursuant to a
8 prescription order.

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

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

20 (mm) "Probation" means the practice or operation under a temporary
21 license, registration or permit or a conditional license, registration or
22 permit of a business or profession for which a license, registration or
23 permit is granted by the board under the provisions of the pharmacy act of
24 the state of Kansas requiring certain actions to be accomplished or certain
25 actions not to occur before a regular license, registration or permit is
26 issued.

27 (nn) "Professional incompetency" means:

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

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

34 (3) a pattern of pharmacy practice or other behavior which
35 demonstrates a manifest incapacity or incompetence to practice pharmacy.

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

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

1 (qq) "Third party logistics provider" means an entity that: (1)
2 Provides or coordinates warehousing, distribution or other services on
3 behalf of a manufacturer, but does not take title to the prescription drug or
4 have general responsibility to direct the prescription drug's sale or
5 disposition; (2) is registered as a wholesale distributor under the pharmacy
6 act of the state of Kansas; and (3) to be considered part of the normal
7 distribution channel, must also be an authorized distributor of record.

8 (rr) "Unprofessional conduct" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~human.~~

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

13 (ww) "Wholesale distribution" means the distribution of prescription
14 drugs or devices by wholesale distributors to persons other than consumers
15 or patients, and includes the transfer of prescription drugs by a pharmacy
16 to another pharmacy if the total number of units of transferred drugs
17 during a twelve-month period does not exceed 5% of the total number of
18 all units dispensed by the pharmacy during the immediately preceding
19 twelve-month period. Wholesale distribution does not include: (1) The
20 sale, purchase or trade of a prescription drug or device, an offer to sell,
21 purchase or trade a prescription drug or device or the dispensing of a
22 prescription drug or device pursuant to a prescription; (2) the sale,
23 purchase or trade of a prescription drug or device or an offer to sell,
24 purchase or trade a prescription drug or device for emergency medical
25 reasons; (3) intracompany transactions, as defined in this section, unless in
26 violation of own use provisions; (4) the sale, purchase or trade of a
27 prescription drug or device or an offer to sell, purchase or trade a
28 prescription drug or device among hospitals, chain pharmacy warehouses,
29 pharmacies or other health care entities that are under common control; (5)
30 the sale, purchase or trade of a prescription drug or device or the offer to
31 sell, purchase or trade a prescription drug or device by a charitable
32 organization described in ~~503(c)(3)~~~~503(e)(3)~~ of the internal revenue code
33 of 1954 to a nonprofit affiliate of the organization to the extent otherwise
34 permitted by law; (6) the purchase or other acquisition by a hospital or
35 other similar health care entity that is a member of a group purchasing
36 organization of a prescription drug or device for its own use from the
37 group purchasing organization or from other hospitals or similar health
38 care entities that are members of these organizations; (7) the transfer of
39 prescription drugs or devices between pharmacies pursuant to a centralized
40 prescription processing agreement; (8) the sale, purchase or trade of blood
41 and blood components intended for transfusion; (9) the return of recalled,
42 expired, damaged or otherwise non-salable prescription drugs, when
43 conducted by a hospital, health care entity, pharmacy, chain pharmacy

1 warehouse or charitable institution in accordance with the board's rules
2 and regulations; (10) the sale, transfer, merger or consolidation of all or
3 part of the business of a retail pharmacy or pharmacies from or with
4 another retail pharmacy or pharmacies, whether accomplished as a
5 purchase and sale of stock or business assets, in accordance with the
6 board's rules and regulations; (11) the distribution of drug samples by
7 manufacturers' and authorized distributors' representatives; (12) the sale of
8 minimal quantities of drugs by retail pharmacies to licensed practitioners
9 for office use; or (13) the sale or transfer from a retail pharmacy or chain
10 pharmacy warehouse of expired, damaged, returned or recalled
11 prescription drugs to the original manufacturer, originating wholesale
12 distributor or to a third party returns processor in accordance with the
13 board's rules and regulations.

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

29 (b) Physical therapists may evaluate and treat a patient for no more
30 than 30 consecutive calendar days without a referral under the following
31 conditions: (1) The patient has previously been referred to a physical
32 therapist for physical therapy services by a person authorized by this
33 section to approve treatment; (2) the patient's referral for physical therapy
34 was made within one year from the date a physical therapist implements a
35 program of physical therapy treatment without a referral; (3) the physical
36 therapy being provided to the patient without referral is for the same
37 injury, disease or condition as indicated in the referral for such previous
38 injury, disease or condition; and (4) the physical therapist transmits to the
39 physician or other practitioner identified by the patient a copy of the initial
40 evaluation no later than five business days after treatment commences.
41 Treatment *of such patient* for more than 30 consecutive calendar days ~~of~~
42 ~~such patient~~ shall only be upon the approval of a person authorized by this
43 section to approve treatment.

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

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

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

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

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

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

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

25 (e) "Controlled substance" means any drug, substance or immediate
26 precursor included in any of the schedules designated in K.S.A. 65-4105,
27 65-4107, 65-4109, 65-4111 and 65-4113, and amendments *thereto*. ~~to these~~
28 ~~sections.~~

29 (f) "Counterfeit substance" means a controlled substance which, or
30 the container or labeling of which, without authorization bears the
31 trademark, trade name or other identifying mark, imprint, number or
32 device or any likeness thereof of a manufacturer, distributor or dispenser
33 other than the person who in fact manufactured, distributed or dispensed
34 the substance.

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

38 (h) "Dispense" means to deliver a controlled substance to an ultimate
39 user or research subject by or pursuant to the lawful order of a practitioner,
40 including the packaging, labeling or compounding necessary to prepare the
41 substance for that delivery, or pursuant to the prescription of a mid-level
42 practitioner.

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

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

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

4 (l) "Drug" means: (1) Substances recognized as drugs in the official
5 United States pharmacopoeia, official homeopathic pharmacopoeia of the
6 United States or official national formulary or any supplement to any of
7 them; (2) substances intended for use in the diagnosis, cure, mitigation,
8 treatment or prevention of disease in man or animals; (3) substances (other
9 than food) intended to affect the structure or any function of the body of
10 man or animals; and (4) substances intended for use as a component of any
11 article specified in clause (1), (2) or (3) of this subsection. It does not
12 include devices or their components, parts or accessories.

13 (m) "Immediate precursor" means a substance which the board has
14 found to be and by rule and regulation designates as being the principal
15 compound commonly used or produced primarily for use and which is an
16 immediate chemical intermediary used or likely to be used in the
17 manufacture of a controlled substance, the control of which is necessary to
18 prevent, curtail or limit manufacture.

19 (n) "Manufacture" means the production, preparation, propagation,
20 compounding, conversion or processing of a controlled substance either
21 directly or indirectly or by extraction from substances of natural origin or
22 independently by means of chemical synthesis or by a combination of
23 extraction and chemical synthesis and includes any packaging or
24 repackaging of the substance or labeling or relabeling of its container,
25 except that this term does not include the preparation or compounding of a
26 controlled substance by an individual for the individual's own lawful use
27 or the preparation, compounding, packaging or labeling of a controlled
28 substance: (1) By a practitioner or the practitioner's agent pursuant to a
29 lawful order of a practitioner as an incident to the practitioner's
30 administering or dispensing of a controlled substance in the course of the
31 practitioner's professional practice; or

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

36 (o) "Marijuana" means all parts of all varieties of the plant *Cannabis*
37 whether growing or not, the seeds thereof, the resin extracted from any
38 part of the plant and every compound, manufacture, salt, derivative,
39 mixture or preparation of the plant, its seeds or resin. It does not include
40 the mature stalks of the plant, fiber produced from the stalks, oil or cake
41 made from the seeds of the plant, any other compound, manufacture, salt,
42 derivative, mixture or preparation of the mature stalks, except the resin
43 extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant

1 which is incapable of germination.

2 (p) "Narcotic drug" means any of the following whether produced
3 directly or indirectly by extraction from substances of vegetable origin or
4 independently by means of chemical synthesis or by a combination of
5 extraction and chemical synthesis: (1) Opium and opiate and any salt,
6 compound, derivative or preparation of opium or opiate;

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

11 (3) opium poppy and poppy straw;

12 (4) coca leaves and any salt, compound, derivative or preparation of
13 coca leaves, and any salt, compound, isomer, derivative or preparation
14 thereof which is chemically equivalent or identical with any of these
15 substances, but not including decocainized coca leaves or extractions of
16 coca leaves which do not contain cocaine or ecgonine.

17 (q) "Opiate" means any substance having an addiction-forming or
18 addiction-sustaining liability similar to morphine or being capable of
19 conversion into a drug having addiction-forming or addiction-sustaining
20 liability. It does not include, unless specifically designated as controlled
21 under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer
22 of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does
23 include its racemic and levorotatory forms.

24 (r) "Opium poppy" means the plant of the species *Papaver*
25 *somniferum l.* except its seeds.

26 (s) "Person" means individual, corporation, government, or
27 governmental subdivision or agency, business trust, estate, trust,
28 partnership or association or any other legal entity.

29 (t) "Poppy straw" means all parts, except the seeds, of the opium
30 poppy, after mowing.

31 (u) "Pharmacist" means an individual currently licensed by the board
32 to practice the profession of pharmacy in this state.

33 (v) "Practitioner" means a person licensed to practice medicine and
34 surgery, dentist, podiatrist, veterinarian, optometrist licensed under the
35 optometry law as a therapeutic licensee or diagnostic and therapeutic
36 licensee, or scientific investigator or other person authorized by law to use
37 a controlled substance in teaching or chemical analysis or to conduct
38 research with respect to a controlled substance.

39 (w) "Production" includes the manufacture, planting, cultivation,
40 growing or harvesting of a controlled substance.

41 (x) "Ultimate user" means a person who lawfully possesses a
42 controlled substance for such person's own use or for the use of a member
43 of such person's household or for administering to an animal owned by

1 such person or by a member of such person's household.

2 (y) "Isomer" means all enantiomers and diastereomers.

3 (z) "Medical care facility" shall have the meaning ascribed to that
4 term in K.S.A. 65-425, and amendments thereto.

5 (aa) "Cultivate" means the planting or promotion of growth of five or
6 more plants which contain or can produce controlled substances.

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

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

13 (B) which has a stimulant, depressant or hallucinogenic effect on the
14 central nervous system substantially similar to the stimulant, depressant or
15 hallucinogenic effect on the central nervous system of a controlled
16 substance included in the schedules designated in K.S.A. 65-4105 or 65-
17 4107, and amendments thereto; or

18 (C) with respect to a particular individual, which the individual
19 represents or intends to have a stimulant, depressant or hallucinogenic
20 effect on the central nervous system substantially similar to the stimulant,
21 depressant or hallucinogenic effect on the central nervous system of a
22 controlled substance included in the schedules designated in K.S.A. 65-
23 4105 or 65-4107, and amendments thereto.

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

25 (A) A controlled substance;

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

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

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

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

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

1 (b) "Practice of occupational therapy" means the therapeutic use of
2 purposeful and meaningful occupations (goal-directed activities) to
3 evaluate and treat, pursuant to the referral, supervision, order or direction
4 of a physician, a licensed podiatrist, a licensed dentist, a licensed physician
5 assistant, or ~~an~~ *a licensed advanced practice* registered nurse ~~practitioner~~
6 working pursuant to the order or direction of a person licensed to practice
7 medicine and surgery, a licensed chiropractor, or a licensed optometrist,
8 individuals who have a disease or disorder, impairment, activity limitation
9 or participation restriction that interferes with their ability to function
10 independently in daily life roles and to promote health and wellness.
11 Occupational therapy 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 of
16 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 skills
23 in activities of daily living (ADL), work or productive activities, including
24 instrumental activities of daily living (IADL) and play and leisure
25 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 assistive
29 technology or orthotic devices and training in the use of prosthetic devices;

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

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

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

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

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

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

43 (e) "Occupational therapy assistant" means a person licensed to assist

1 in the practice of occupational therapy under the supervision of an
2 occupational therapist.

3 (f) "Person" means any individual, partnership, unincorporated
4 organization or corporation.

5 (g) "Physician" means a person licensed to practice medicine and
6 surgery.

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

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

13 (a) "Administrator" means the executive director of the emergency
14 medical services board.

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

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

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

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

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

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

37 (h) "Emergency medical service" means the effective and coordinated
38 delivery of such care as may be required by an emergency which includes
39 the care and transportation of individuals by ambulance services and the
40 performance of authorized emergency care by a physician, advanced
41 *practice* registered nurse ~~practitioner~~, professional nurse, a licensed
42 physician assistant or attendant.

43 (i) "Emergency medical technician" means a person who holds an

1 emergency medical technician certificate issued pursuant to this act.

2 (j) "Emergency medical technician-defibrillator" means a person who
3 holds an emergency medical technician-defibrillator certificate issued
4 pursuant to this act.

5 (k) "Emergency medical technician-intermediate" means a person
6 who holds an emergency medical technician-intermediate certificate issued
7 pursuant to this act.

8 (l) "Emergency medical technician-intermediate/defibrillator" means
9 a person who holds both an emergency medical technician-intermediate
10 and emergency medical technician defibrillator certificate issued pursuant
11 to this act.

12 (m) "Emergency medical responder" means a person who holds an
13 emergency medical responder certificate issued pursuant to this act.

14 (n) "First responder" means a person who holds a first responder
15 certificate issued pursuant to this act.

16 (o) "Hospital" means a hospital as defined by K.S.A. 65-425, and
17 amendments thereto.

18 (p) "Instructor-coordinator" means a person who is certified under
19 this act to teach initial courses of certification of instruction and continuing
20 education classes.

21 (q) "Medical adviser" means a physician.

22 (r) "Medical protocols" mean written guidelines which authorize
23 attendants to perform certain medical procedures prior to contacting a
24 physician, physician assistant authorized by a physician, advanced
25 *practice* registered nurse ~~practitioner~~ authorized by a physician or
26 professional nurse authorized by a physician. The medical protocols shall
27 be approved by a county medical society or the medical staff of a hospital
28 to which the ambulance service primarily transports patients, or if neither
29 of the above are able or available to approve the medical protocols, then
30 the medical protocols shall be submitted to the medical advisory council
31 for approval.

32 (s) "Mobile intensive care technician" means a person who holds a
33 mobile intensive care technician certificate issued pursuant to this act.

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

36 (u) "Nonemergency transportation" means the care and transport of a
37 sick or injured person under a foreseen combination of circumstances
38 calling for continuing care of such person. As used in this subsection,
39 transportation includes performance of the authorized level of services of
40 the attendant whether within or outside the vehicle as part of such
41 transportation services.

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

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

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

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

7 (z) "Physician assistant" means a person who is licensed under the
8 physician assistant licensure act and who is acting under the direction of a
9 responsible physician.

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

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

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

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

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

26 (1) Perform all the authorized activities identified in K.S.A. 65-6120,
27 65-6121, 65-6123, 65-6144, and amendments thereto;

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

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

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

42 (b) An individual who holds a valid certificate as a mobile intensive
43 care technician once meeting the continuing education requirements

1 prescribed by the rules and regulations of the board, upon application for
2 renewal, shall be deemed to hold a certificate as a paramedic under this
3 act, and such individual shall not be required to file an original application
4 as a paramedic for certification under this act.

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

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

10 (1) Perform all the authorized activities identified in K.S.A. 65-6120,
11 65-6121, 65-6144, and amendments thereto;

12 (2) when voice contact or a telemetered electrocardiogram is
13 monitored by a physician, physician assistant where authorized by a
14 physician or an advanced *practice* registered nurse ~~practitioner~~ where
15 authorized by a physician or licensed professional nurse where authorized
16 by a physician and direct communication is maintained, and upon order of
17 such person, may administer such medications or procedures as may be
18 deemed necessary by a person identified in subsection (d)(2);

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

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

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

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

31 (2) when approved by medical protocols and where voice contact by
32 radio or telephone is monitored by a physician, physician assistant where
33 authorized by a physician, advanced *practice* registered nurse ~~practitioner~~
34 where authorized by a physician or licensed professional nurse where
35 authorized by a physician, and direct communication is maintained, upon
36 order of such person, may perform veni-puncture for the purpose of blood
37 sampling collection and initiation and maintenance of intravenous infusion
38 of saline solutions, dextrose and water solutions or ringers lactate IV
39 solutions, endotracheal intubation and administration of nebulized
40 albuterol;

41 (3) perform, during an emergency, those activities specified in
42 subsection (a)(2) before contacting the persons identified in subsection (a)

43 (2) when specifically authorized to perform such activities by medical

1 protocols; or

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

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

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

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

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

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

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

1 (f) An individual who holds a valid certificate as both an emergency
2 medical technician-intermediate and as an emergency medical technician-
3 defibrillator once completing the board prescribed transition course, and
4 validation of cognitive and psychomotor competency as determined by
5 rules and regulations of the board, upon application for renewal, shall be
6 deemed to hold a certificate as an advanced emergency medical technician
7 under this act, and such individual shall not be required to file an original
8 application for certification as an advanced emergency medical technician
9 under this act.

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

14 (h) Emergency medical technician-intermediate and emergency
15 medical technician-defibrillator who fail to meet the transition
16 requirements as specified will be required, at a minimum, to gain the
17 continuing education applicable to emergency medical technician as
18 defined by rules and regulations of the board. Failure to do so will result in
19 loss of certification.

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

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

1 during interfacility transport with the following restrictions:

2 (A) The physician approves the transfer by an emergency medical
3 technician;

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

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

8 (14) use automated external defibrillators;

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

10 (A) The emergency medical technician successfully completes a
11 course of instruction approved by the board in the administration of
12 epinephrine; and

13 (B) the emergency medical technician serves with an ambulance
14 service or a first response organization that provides emergency medical
15 services; and

16 (C) the emergency medical technician is acting pursuant to medical
17 protocols;

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

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

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

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

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

41 (e) Upon transition, notwithstanding any other provision of law to the
42 contrary, an emergency medical technician may perform any activities
43 identified in K.S.A. 65-6144, and amendments thereto, and any of the

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

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

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

- 31 (1) Perform any of the activities identified in K.S.A. 65-6121, and
32 amendments thereto;
- 33 (2) when approved by medical protocols and where voice contact by
34 radio or telephone is monitored by a physician, physician assistant where
35 authorized by a physician, advanced *practice* registered nurse ~~practitioner~~
36 where authorized by a physician, or licensed professional nurse where
37 authorized by a physician, and direct communication is maintained, upon
38 order of such person, may perform electrocardiographic monitoring and
39 defibrillation;
- 40 (3) perform, during an emergency, those activities specified in
41 subsection (b) before contacting the persons identified in subsection (b)
42 when specifically authorized to perform such activities by medical
43 protocols; or

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

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

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

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

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

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

34 (c) No person certified as an instructor-coordinator and no training
35 officer shall be liable for any civil damages which may result from such
36 instructor-coordinator's or training officer's course of instruction, except
37 such damages which may result from gross negligence or by willful or
38 wanton acts or omissions on the part of the instructor-coordinator or
39 training officer.

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

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

14 (b) A training officer's certificate shall expire on the expiration date
15 of the attendant's certificate if the training officer is an attendant or on the
16 expiration date of the physician's, physician assistant's, advanced *practice*
17 registered nurse's ~~practitioner's~~ or professional nurse's license if the
18 training officer is a physician, physician assistant, advanced *practice*
19 registered nurse ~~practitioner~~ or professional nurse. A training officer's
20 certificate may be renewed for the same period as the attendant's certificate
21 or the physician's, physician assistant's, advanced *practice* registered
22 ~~nurse's nurse practitioner's~~ or professional nurse's license upon payment of
23 a fee as prescribed by rules and regulations and upon presentation of
24 satisfactory proof that the training officer has successfully completed
25 continuing education prescribed by the board and is certified as an
26 emergency medical technician, emergency medical technician-
27 intermediate, emergency medical technician-defibrillator, mobile-intensive
28 care technician, advanced emergency medical technician, paramedic,
29 physician, physician assistant, advanced *practice* registered nurse
30 ~~practitioner~~ or professional nurse. The board may prorate to the nearest
31 whole month the fee fixed under this subsection as necessary to implement
32 the provisions of this subsection.

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

36 (1) Fails to maintain certification or licensure as an emergency
37 medical technician, emergency medical technician-intermediate,
38 emergency medical technician-defibrillator, mobile intensive care
39 technician, advanced emergency medical technician, paramedic, physician,
40 physician assistant, advanced *practice* registered nurse ~~practitioner~~ or
41 professional nurse;

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

43 (3) fails to successfully complete continuing education;

1 (4) has made intentional misrepresentations in obtaining a certificate
2 or renewing a certificate;

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

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

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

16 (d) The board may revoke, limit, modify or suspend a certificate or
17 the board may refuse to renew such certificate in accordance with the
18 provisions of the Kansas administrative procedure act.

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

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

29 (b) Whenever an operator is required to have a permit, at least one
30 person on each vehicle providing emergency medical service shall be an
31 attendant certified as an emergency medical technician, emergency
32 medical technician-intermediate, emergency medical technician-
33 defibrillator, a mobile intensive care technician, emergency medical
34 technician-intermediate/defibrillator, advanced emergency medical
35 technician, a paramedic, a physician, a licensed physician assistant, ~~an~~ *a*
36 *licensed advanced practice* registered nurse ~~practitioner~~ or a professional
37 nurse.

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

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

1 (2) cardiopulmonary resuscitation and airway management;
2 (3) control of bleeding;
3 (4) extremity splinting excluding traction splinting;
4 (5) stabilization of the condition of the individual in need of
5 emergency care;
6 (6) oxygen therapy;
7 (7) use of oropharyngeal airways;
8 (8) use of bag valve masks;
9 (9) use automated external defibrillators; and
10 (10) other techniques of preliminary care a first responder is trained
11 to provide as approved by the board.

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

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

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

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

1 techniques and devices of preliminary care an emergency medical
2 responder is trained to provide as approved by the board.

3 Sec. 30. K.S.A. 2010 Supp. 72-5213 is hereby amended to read as
4 follows: 72-5213. (a) Every board of education shall require all employees
5 of the school district, who come in regular contact with the pupils of the
6 school district, to submit a certification of health on a form prescribed by
7 the secretary of health and environment and signed by a person licensed to
8 practice medicine and surgery under the laws of any state, or by a person
9 who is licensed as a physician assistant under the laws of this state when
10 such person is working at the direction of or in collaboration with a person
11 licensed to practice medicine and surgery, or by a person holding a *license*
12 ~~certificate of qualification~~ to practice as an advanced *practice* registered
13 nurse ~~practitioner~~ under the laws of this state when such person is working
14 at the direction of or in collaboration with a person licensed to practice
15 medicine and surgery. The certification shall include a statement that there
16 is no evidence of physical condition that would conflict with the health,
17 safety, or welfare of the pupils; and that freedom from tuberculosis has
18 been established by chest x-ray or negative tuberculin skin test. If at any
19 time there is reasonable cause to believe that any such employee of the
20 school district is suffering from an illness detrimental to the health of the
21 pupils, the school board may require a new certification of health.

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

37 (c) Every board of education may require persons, other than
38 employees of the school district, to submit to the same certification of
39 health requirements as are imposed upon employees of the school district
40 under the provisions of subsection (a) if such persons perform or provide
41 services to or for a school district which require such persons to come in
42 regular contact with the pupils of the school district. No such person shall
43 be required to submit a certification of health if the person presents a

1 signed statement that the person is an adherent of a religious denomination
2 whose religious teachings are opposed to physical examinations. Such
3 persons shall be permitted to submit, as an alternative to a certification of
4 health, certification signed by a person licensed to practice medicine and
5 surgery under the laws of any state, or by a person who is licensed as a
6 physician assistant under the laws of this state when such person is
7 working at the direction of or in collaboration with a person licensed to
8 practice medicine and surgery, or by a person holding a *license certificate*
9 ~~of qualification~~ to practice as an advanced *practice* registered nurse
10 ~~practitioner~~ under the laws of this state when such person is working at the
11 direction of or in collaboration with a person licensed to practice medicine
12 and surgery that freedom of such persons from tuberculosis has been
13 established.

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

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

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

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

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

31 (4) "Self-administration" means a student's discretionary use of such
32 student's medication pursuant to a prescription or written direction from a
33 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 any
36 of the grades 1 through 12. A student shall meet all requirements of a
37 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
40 prescribed dosage; the time the medication is to be regularly administered,
41 and any additional special circumstances under which the medication is to
42 be administered; and the length of time for which the medication is
43 prescribed;

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

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

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

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

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

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

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

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

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

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

1 anaphylaxis emergency.

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

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

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

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

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

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

24 (3) On the effective date of this act, the Kansas federation of licensed
25 practical nurses shall submit to the governor a list of licensed practical
26 nurses containing names of not less than three times the number of persons
27 to be appointed, and appointments shall be made after consideration of
28 such list, ~~with the first appointment being for a term of four years and the~~
29 ~~second appointment being for a term of two years. Upon the expiration of~~
30 ~~the term of any licensed practical nurse, a successor of like qualifications~~
31 ~~shall be appointed in the same manner as the original appointment for a~~
32 ~~term of four years and until a successor is appointed and qualified.~~

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

35 (5) Whenever a vacancy occurs on the board of nursing, it shall be
36 filled by appointment for the remainder of the unexpired term in the same
37 manner as the preceding appointment. No person shall serve more than
38 two consecutive terms as a member of the board of nursing and
39 appointment for the remainder of an unexpired term shall constitute a full
40 term of service on such board. ~~With the expiration of terms for the~~
41 ~~registered professional nurse from education and one public member in~~
42 ~~July, 2003, the next appointments for those two positions will be for only~~
43 ~~one year. Thereafter the two positions shall be appointed for terms of four~~

1 years.

2 (b) *Qualifications of members.* Each member of the board shall be a
3 citizen of the United States and a resident of the state of Kansas.
4 Registered professional nurse members shall possess a license to practice
5 as a professional nurse in this state with at least five years' experience in
6 nursing as such and shall be actively engaged in professional nursing in
7 Kansas at the time of appointment and reappointment. The licensed
8 practical nurse members shall be licensed to practice practical nursing in
9 the state with at least five years' experience in practical nursing and shall
10 be actively engaged in practical nursing in Kansas at the time of
11 appointment and reappointment. The governor shall appoint successors so
12 that the registered professional nurse membership of the board shall
13 consist of at least two members who are engaged in nursing service, at
14 least two members who are engaged in nursing education and at least one
15 member who is engaged in practice as an advanced *practice* registered
16 nurse practitioner or a registered nurse anesthetist. The consumer members
17 shall represent the interests of the general public. At least one consumer
18 member shall not have been involved in providing health care. Each
19 member of the board shall take and subscribe the oath prescribed by law
20 for state officers, which oath shall be filed with the secretary of state.

21 (c) *Duties and powers.* (1) The board shall meet annually at Topeka
22 during the month of September and shall elect from its members a
23 president, vice-president and secretary, each of whom shall hold their
24 respective offices for one year. The board shall employ an executive
25 administrator, who shall be a registered professional nurse, who shall not
26 be a member of the board and who shall be in the unclassified service
27 under the Kansas civil service act, and shall employ such other employees,
28 who shall be in the classified service under the Kansas civil service act as
29 necessary to carry on the work of the board. As necessary, the board shall
30 be represented by an attorney appointed by the attorney general as
31 provided by law, whose compensation shall be determined and paid by the
32 board with the approval of the governor. The board may hold such other
33 meetings during the year as may be deemed necessary to transact its
34 business.

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

39 (3) The board shall prescribe curricula and standards for professional
40 and practical nursing programs and mental health technician programs,
41 and provide for surveys of such schools and courses at such times as it
42 may deem necessary. It shall accredit such schools and approve courses as
43 meet the requirements of the appropriate act and rules and regulations of

1 the board.

2 (4) The board shall examine, license and renew licenses of duly
3 qualified applicants and conduct hearings upon charges for limitation,
4 suspension or revocation of a license or approval of professional and
5 practical nursing and mental health technician programs and may limit,
6 deny, suspend or revoke for proper legal cause, licenses or approval of
7 professional and practical nursing and mental health technician programs,
8 as hereinafter provided. Examination for applicants for registration shall
9 be given at least twice each year and as many other times as deemed
10 necessary by the board. The board shall promote improved means of
11 nursing education and standards of nursing care through institutes,
12 conferences and other means.

13 (5) The board shall have a seal of which the executive administrator
14 shall be the custodian. The president and the secretary shall have the
15 power and authority to administer oaths in transacting business of the
16 board, and the secretary shall keep a record of all proceedings of the board
17 and a register of professional and practical nurses and mental health
18 technicians licensed and showing the certificates of registration or licenses
19 granted or revoked, which register shall be open at all times to public
20 inspection.

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

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

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

35 (d) *Subpoenas*. In all investigations and proceedings, the board shall
36 have the power to issue subpoenas and compel the attendance of witnesses
37 and the production of all relevant and necessary papers, books, records,
38 documentary evidence and materials. Any person failing or refusing to
39 appear or testify regarding any matter about which such person may be
40 lawfully questioned or to produce any books, papers, records,
41 documentary evidence or relevant materials in the matter, after having
42 been required by order of the board or by a subpoena of the board to do so,
43 upon application by the board to any district judge in the state, may be

1 ordered by such judge to comply therewith. Upon failure to comply with
 2 the order of the district judge, the court may compel obedience by
 3 attachment for contempt as in the case of disobedience of a similar order
 4 or subpoena issued by the court. A subpoena may be served upon any
 5 person named therein anywhere within the state with the same fees and
 6 mileage by an officer authorized to serve subpoenas in civil actions in the
 7 same procedure as is prescribed by the code of civil procedure for
 8 subpoenas issued out of the district courts of this state.

9 (e) *Compensation and expenses.* Members of the board of nursing
 10 attending meetings of such board, or attending a subcommittee meeting
 11 thereof authorized by such board, shall be paid compensation, subsistence
 12 allowances, mileage and other expenses as provided in K.S.A. 75-3223,
 13 and amendments thereto. No member of the board of nursing shall be paid
 14 an amount as provided in K.S.A. 75-3223, and amendments thereto, if
 15 such member receives an amount from another governmental or private
 16 entity for the purpose for which such amount is payable under K.S.A. 75-
 17 3223, and amendments thereto.

18 Sec. 33. K.S.A. 74-32,131 is hereby amended to read as follows: 74-
 19 32,131. This act shall be known and may be cited as the advanced *practice*
 20 registered nurse ~~practitioner~~ service scholarship program.

21 Sec. 34. K.S.A. 74-32,132 is hereby amended to read as follows: 74-
 22 32,132. As used in this act:

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

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

28 (c) "Educational and training program for advanced *practice*
 29 registered ~~nurses~~ ~~nurse practitioners~~" means a post-basic nursing education
 30 program a graduate of which meets the education requirements of the
 31 board of nursing for ~~licensure~~ ~~a certificate of qualification~~ as an advanced
 32 *practice* registered nurse. ~~practitioner~~

33 (d) "Medically underserved area" means a practice location
 34 designated medically underserved by the secretary of health and
 35 environment.

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

38 Sec. 35. K.S.A. 74-32,133 is hereby amended to read as follows: 74-
 39 32,133. (a) There is hereby established the advanced *practice* registered
 40 nurse ~~practitioner~~ service scholarship program. Within the limits of
 41 appropriations therefor, a scholarship may be awarded under the program
 42 to any qualified student enrolled in or admitted to an educational and
 43 training program for advanced *practice* registered ~~nurses~~. ~~nurse~~

1 ~~practitioners~~. The number of scholarships awarded under the program in
2 any year shall not exceed 12.

3 (b) The determination of the individuals qualified for scholarships
4 shall be made by the executive officer after seeking advice from the
5 committee. Scholarships shall be awarded on a priority basis to qualified
6 applicants in the advanced *practice* registered nurse ~~practitioner roles~~
7 ~~categories~~ of nurse clinician or *advanced practice* registered nurse
8 ~~practitioner~~ or clinical specialist who have the greatest financial need for
9 such scholarships and who are residents of this state. To the extent
10 practicable and consistent with the other provisions of this section,
11 consideration shall be given to minority applicants.

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

28 Sec. 36. K.S.A. 74-32,134 is hereby amended to read as follows: 74-
29 32,134. (a) An applicant for a scholarship under the advanced *practice*
30 registered nurse ~~practitioner~~ service scholarship program shall provide to
31 the executive officer, on forms supplied by the executive officer, the
32 following information:

- 33 (1) The name and address of the applicant;
34 (2) the name and address of the educational and training program for
35 advanced *practice* registered ~~nurses~~ ~~nurse practitioners~~ in which the
36 applicant is enrolled or to which the applicant has been admitted; and
37 (3) any additional information which may be required by the
38 executive officer.

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

- 42 (1) Engage as a full-time student in and complete the required course
43 of instruction leading to the *licensure* ~~certificate of qualification~~ as an

1 advanced *practice* registered nurse ~~practitioner~~;

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

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

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

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

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

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

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

15 Sec. 38. K.S.A. 74-32,136 is hereby amended to read as follows: 74-
16 32,136. (a) An obligation under any agreement entered into under the
17 advanced *practice* registered nurse ~~practitioner~~ service scholarship
18 program shall be postponed: (1) During any required period of active
19 military service; (2) during any period of service in the peace corps; (3)
20 during any period of service as a part of volunteers in service to America
21 (VISTA); (4) during any period of service commitment to the United
22 States public health service; (5) during any period of religious missionary
23 work conducted by an organization exempt from tax under section 501(c)
24 (3) of the federal internal revenue code as in effect on December 31, 2000;
25 (6) during any period of time the person obligated is unable because of
26 temporary medical disability to practice as an advanced *practice* registered
27 nurse ~~practitioner~~; (7) during any period of time the person obligated is
28 enrolled and actively engaged on a full-time basis in a course of study
29 leading to a graduate degree in a field for which such person was awarded
30 a scholarship under this act which degree is higher than that formerly
31 attained; (8) during any period of time the person obligated is on job-
32 protected leave under the federal family and medical leave act of 1993; or
33 (9) during any period of time the state board of regents determines that the
34 person obligated is unable because of special circumstances to practice as
35 an advanced *practice* registered nurse ~~practitioner~~. Except for clauses (6),
36 (8) and (9), an obligation under any agreement entered into as provided in
37 the advanced *practice* registered nurse ~~practitioner~~ service scholarship
38 program shall not be postponed more than five years from the time the
39 obligation was to have been commenced under any such agreement. An
40 obligation under any agreement as provided in the advanced *practice*
41 registered nurse ~~practitioner~~ service scholarship program shall be
42 postponed under clause (6) during the period of time the medical disability
43 exists. An obligation to engage in practice as an advanced *practice*

1 registered nurse ~~practitioner~~ in accordance with an agreement under the
2 advanced *practice* registered nurse ~~practitioner~~ service scholarship
3 program shall be postponed under clause (8) during the period of time the
4 person obligated remains on FMLA leave. An obligation to engage in
5 practice as an advanced *practice* registered nurse ~~practitioner~~ in
6 accordance with an agreement under the advanced *practice* registered
7 nurse ~~practitioner~~ service scholarship program shall be postponed under
8 clause (9) during the period of time the state board of regents determines
9 that the special circumstances exist. The state board of regents shall adopt
10 rules and regulations prescribing criteria or guidelines for determination of
11 the existence of special circumstances causing an inability to practice as an
12 advanced *practice* registered nurse ~~practitioner~~, and shall determine the
13 documentation required to prove the existence of such circumstances.

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

25 Sec. 39. K.S.A. 74-32,137 is hereby amended to read as follows: 74-
26 32,137. The state board of regents, after consultation with the committee,
27 may adopt rules and regulations establishing minimum terms, conditions
28 and obligations which shall be incorporated into the provisions of any
29 agreement under the advanced *practice* registered nurse ~~practitioner~~
30 service scholarship program. The terms, conditions and obligations shall
31 be consistent with the provisions of law relating to the advanced *practice*
32 registered nurse ~~practitioner~~ service scholarship program. The terms,
33 conditions and obligations so established shall include, but not be limited to,
34 the terms of eligibility for financial assistance under the advanced
35 *practice* registered nurse ~~practitioner~~ service scholarship program, the
36 amount of financial assistance to be offered, the length of practice in a
37 rural area or medically underserved area required as a condition to the
38 receipt of such financial assistance to be offered, the amount of money
39 required to be repaid because of failure to satisfy the obligations under an
40 agreement and the method of repayment and such other additional
41 provisions as may be necessary to carry out the provisions of the advanced
42 *practice* registered nurse ~~practitioner~~ service scholarship program. The
43 state board of regents, after consultation with the committee, shall adopt

1 rules and regulations establishing criteria for evaluating the financial need
2 of applicants for scholarships and may adopt such other rules and
3 regulations as may be necessary to administer the advanced *practice*
4 registered nurse ~~practitioner~~ service scholarship program.

5 Sec. 40. K.S.A. 74-32,138 is hereby amended to read as follows: 74-
6 32,138. There is hereby created in the state treasury the advanced *practice*
7 registered nurse ~~practitioner~~ service scholarship program fund. The
8 executive officer shall remit all moneys received under this act 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 credit
12 of the advanced *practice* registered nurse ~~practitioner~~ service scholarship
13 program fund. All expenditures from the advanced *practice* registered
14 nurse ~~practitioner~~ service scholarship program fund shall be for
15 scholarships awarded under this act and shall be made in accordance with
16 appropriation acts upon warrants of the director of accounts and reports
17 issued pursuant to vouchers approved by the executive officer or by a
18 person designated by the executive officer.

19 Sec. 41. K.S.A. 40-2250, 65-1113, 65-1114, 65-1118, 65-1120, 65-
20 1122, 65-1130, 65-1131, 65-1133, 65-1154, 65-1163, 74-32,131, 74-
21 32,132, 74-32,133, 74-32,134, 74-32,135, 74-32,136, 74-32,137 and 74-
22 32,138 and K.S.A. 2010 Supp. 8-1,125, 39-7,119, 40-2,111, 65-468, 65-
23 1132, 65-1626, 65-1626d, 65-2921, 65-4101, 65-5402, 65-6112, 65-6119,
24 65-6120, 65-6121, 65-6123, 65-6124, 65-6129c, 65-6135, 65-6144, 72-
25 5213, 72-8252 and 74-1106 are hereby repealed.

26 Sec. 42. This act shall take effect and be in force from and after
27 **January 1, 2012, and** its publication in the statute book.