

**{As Amended by House Committee of the Whole}**

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**As Amended by House Committee**

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**{As Amended by Senate Committee of the Whole}**

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**As Amended by Senate Committee**

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*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; **{renewal**  
2 **of licenses;}** amending K.S.A. 40-2250, 65-1113, 65-1114, 65-1118, 65-  
3 1120, 65-1122, 65-1130, 65-1131, 65-1133, 65-1154, 65-1163, 74-32,131,  
4 74-32,132, 74-32,133, 74-32,134, 74-32,135, 74-32,136, 74-32,137 and 74-  
5 32,138 and K.S.A. 2010 Supp. 8-1,125, 39-7,119, 40-2,111, 65-468, **{65-**  
6 **1117,}** 65-1132, 65-1626, 65-2921, 65-4101, 65-5402, 65-6112, 65-6119,  
7 65-6120, 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. **{On January 1, 2012,}** K.S.A. 65-1113 is hereby amended to  
13 read as follows: 65-1113. When used in this act and the act of which this  
14 section is 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 signs  
18 and symptoms essential to effective execution and management of the nursing  
19 regimen and shall be construed as distinct from a medical diagnosis.

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

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

1 infirmity; administration, supervision or teaching of the process as defined in  
2 this section; and the execution of the medical regimen as prescribed by a  
3 person licensed to practice medicine and surgery or a person licensed to  
4 practice dentistry. (2) The practice of nursing as a licensed practical nurse  
5 means the performance for compensation or gratuitously, except as permitted  
6 by K.S.A. 65-1124, and any amendments thereto, of tasks and responsibilities  
7 defined in part (1) of this subsection (d) which tasks and responsibilities are  
8 based on acceptable educational preparation within the framework of  
9 supportive and restorative care under the direction of a registered professional  
10 nurse, a person licensed to practice medicine and surgery or a person licensed  
11 to practice 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 "~~ARNP~~" "*APRN*"  
17 means a professional nurse who holds a ~~certificate of qualification~~ *license*  
18 from the board to function as a professional nurse in an ~~expanded~~ *advanced*  
19 role, and this ~~expanded~~ *advanced* role shall be defined by rules and regulations  
20 adopted by the board in accordance with K.S.A. 65-1130, *and amendments*  
21 *thereto*.

22 Sec. 2. **{On January 1, 2012,}** K.S.A. 65-1114 is hereby amended to  
23 read as follows: 65-1114. (a) It shall be unlawful for any person:

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

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

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

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

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

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

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

39 Sec. 3. **{On January 1, 2012,}** K.S.A. 65-1118 is hereby amended to  
40 read as follows: 65-1118. (a) The board shall collect in advance fees provided  
41 for in this act as fixed by the board, but not exceeding:

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

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

1 Application for biennial renewal of license—professional nurse and  
2 practical nurse.....60  
3 Application for reinstatement of license.....70  
4 Application for reinstatement of licenses with temporary permit.....100  
5 Certified copy of license.....25  
6 Duplicate of license.....25  
7 Inactive license.....20  
8 Application for ~~license certificate of qualification~~—advanced *practice*  
9 registered nurse practitioner.....50  
10 Application for ~~license certificate of qualification~~ with temporary permit  
11 —advanced *practice* registered nurse practitioner.....100  
12 Application for renewal of ~~license certificate of qualification~~—advanced  
13 *practice* registered nurse practitioner.....60  
14 Application for reinstatement of ~~license certificate of qualification~~—  
15 advanced *practice* registered nurse practitioner.....75  
16 Application for authorization—registered nurse anesthetist.....75  
17 Application for authorization with temporary authorization—registered  
18 nurse anesthetist.....110  
19 Application for biennial renewal of authorization—registered nurse  
20 anesthetist.....60  
21 Application for reinstatement of authorization—registered nurse  
22 anesthetist.....75  
23 Application for reinstatement of authorization with temporary  
24 authorization—registered nurse anesthetist.....100  
25 Verification of license to another state.....30  
26 Application for exempt license—professional and practical nurse.....50  
27 Application for biennial renewal of exempt license—professional and  
28 practical nurse.....50  
29 Application for exempt ~~license certification~~—advanced *practice*  
30 registered nurse practitioner.....50  
31 Application for biennial renewal of exempt ~~license certificate~~—advanced  
32 *practice* registered nurse practitioner.....50  
33 (b) The board may require that fees paid for any examination under the  
34 Kansas nurse practice act be paid directly to the examination service by the  
35 person taking the examination.  
36 (c) The board shall accept for payment of fees under this section personal  
37 checks, certified checks, cashier's checks, money orders or credit cards. The  
38 board may designate other methods of payment, but shall not refuse payment  
39 in the form of a personal check. The board may impose additional fees and  
40 recover any costs incurred by reason of payments made by personal checks  
41 with insufficient funds and payments made by credit cards.  
42 Sec. 4. {On January 1, 2012,} K.S.A. 65-1120 is hereby amended to  
43 read as follows: 65-1120. (a) *Grounds for disciplinary actions.* The board may

1 deny, revoke, limit or suspend any license; ~~certificate of qualification~~ or  
2 authorization to practice nursing as a registered professional nurse, as a  
3 licensed practical nurse, as an advanced *practice* registered nurse ~~practitioner~~  
4 or as a registered nurse anesthetist that is issued by the board or applied for  
5 under this act or may publicly or privately censure a licensee or holder of a  
6 ~~certificate of qualification~~ *temporary permit* or authorization, if the applicant,  
7 licensee or holder of a *temporary permit* ~~certificate of qualification~~ or  
8 authorization is found after hearing:

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

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

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

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

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

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

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

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

1 United States government, territory of the United States or country shall  
2 constitute prima facie evidence of such a fact for purposes of this paragraph  
3 (8); or

4 (9) to have assisted suicide in violation of ~~K.S.A. 21-3406~~ ***K.S.A. 21-***  
5 ***3406, prior to its repeal, or section 42 of chapter 136 of the 2010 Session***  
6 ***Laws of Kansas***, and amendments thereto, as established by any of the  
7 following:

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

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

15 (C) A copy of the record of a judgment assessing damages under ~~K.S.A.~~  
16 ~~2002-Supp. 60-4405~~, and amendments thereto.

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

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

35 (d) *Costs.* If final agency action of the board in a proceeding under this  
36 section is adverse to the applicant or licensee, the costs of the board's  
37 proceedings shall be charged to the applicant or licensee as in ordinary civil  
38 actions in the district court, but if the board is the unsuccessful party, the costs  
39 shall be paid by the board. Witness fees and costs may be taxed by the board  
40 according to the statutes relating to procedure in the district court. All costs  
41 accrued by the board, when it is the successful party, and which the attorney  
42 general certifies cannot be collected from the applicant or licensee shall be  
43 paid from the board of nursing fee fund. All moneys collected following board

1 proceedings shall be credited in full to the board of nursing fee fund.

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

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

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

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

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

17 Sec. 5. {On January 1, 2012,} K.S.A. 65-1122 is hereby amended to  
18 read as follows: 65-1122. It is a violation of law for any person, firm,  
19 corporation or association to:

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

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

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

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

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

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

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

43 Any person who violates this section is guilty of a class B misdemeanor,

1 except that, upon conviction of a second or subsequent violation of this  
2 section, such person is guilty of a class A misdemeanor.

3 Sec. 6. {On January 1, 2012,} K.S.A. 65-1130 is hereby amended to  
4 read as follows: 65-1130. (a) No professional nurse shall announce or  
5 represent to the public that such person is an advanced *practice* registered  
6 nurse ~~practitioner~~ unless such professional nurse has complied with  
7 requirements established by the board and holds a valid *license certificate of*  
8 ~~qualification~~ as an advanced *practice* registered nurse ~~practitioner~~ in  
9 accordance with the provisions of this section.

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

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

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

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

35 (3) Define the role of advanced *practice* registered ~~nurses nurse-~~  
36 ~~practitioners~~ and establish limitations and restrictions on such role. The board  
37 shall adopt a definition of the role under this subsection (c)(3) which is  
38 consistent with the education and qualifications required to obtain a *license*  
39 ~~certificate of qualification~~ as an advanced *practice* registered nurse  
40 ~~practitioner~~, which protects the public from persons performing functions and  
41 procedures as advanced *practice* registered ~~nurses nurse practitioners~~ for  
42 which they lack adequate education and qualifications and which authorizes  
43 advanced *practice* registered ~~nurses nurse practitioners~~ to perform acts

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

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

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

42 (f) *A person registered to practice as an advanced registered nurse*  
43 *practitioner in the state of Kansas immediately prior to the effective date of*



1 *this act shall be deemed to be licensed to practice as an advanced practice*  
 2 *registered nurse under this act and such person shall not be required to file an*  
 3 *original application for licensure under this act. Any application for*  
 4 *registration filed which has not been granted prior to the effective date of this*  
 5 *act shall be processed as an application for licensure under this act.*

6 Sec. 7. **{On January 1, 2012,}** K.S.A. 65-1131 is hereby amended to  
 7 read as follows: 65-1131. (a) (1) ~~Certification~~-Licensure. Upon application to  
 8 the board by any professional nurse in this state and upon satisfaction of the  
 9 standards and requirements established by the board under K.S.A. 65-1130,  
 10 and amendments thereto, the board may issue a *license certificate of*  
 11 ~~qualification~~ to such applicant authorizing the applicant to perform the duties  
 12 of an advanced *practice* registered nurse ~~practitioner~~ as defined by the board  
 13 under K.S.A. 65-1130, and amendments thereto.

14 (2) The board may issue a *license certificate* to practice nursing as an  
 15 advanced *practice* registered nurse ~~practitioner~~ to an applicant who has been  
 16 duly licensed or certified as an advanced *practice* registered nurse ~~practitioner~~  
 17 under the laws of another state or territory if, in the opinion of the board, the  
 18 applicant meets the *licensure* qualifications required of an advanced *practice*  
 19 registered nurse ~~practitioner~~ in this state. Verification of the applicant's  
 20 licensure or certification status shall be required from the original state of  
 21 licensure or certification.

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

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

34 (5) The executive administrator of the board shall remit all moneys  
 35 received pursuant to this section to the state treasurer as provided by K.S.A.  
 36 74-1108, and amendments thereto.

37 (b) The board may grant a one-time temporary permit to practice as an  
 38 advanced *practice* registered nurse ~~practitioner~~ for a period of not more than  
 39 180 days pending completion of the application for a *license certificate of*  
 40 ~~qualification~~.

41 (c) ~~Exempt license certificate~~. The board may issue an exempt *license*  
 42 ~~certificate~~ to any advanced *practice* registered nurse ~~practitioner~~ as defined in  
 43 rules and regulations who makes written application for such *license certificate*

1 on a form provided by the board, who remits a fee as established pursuant to  
 2 K.S.A. 65-1118, and amendments thereto, and who is not regularly engaged in  
 3 advanced *practice* registered ~~nursing nurse practice~~ in Kansas but volunteers  
 4 advanced *practice* registered nursing services or is a charitable health care  
 5 provider as defined by K.S.A. 75-6102, and amendments thereto. Each exempt  
 6 advanced *practice* registered nurse ~~practitioner~~ shall be subject to all  
 7 provisions of the nurse practice act. Each exempt license may be renewed  
 8 biennially subject to the provisions of this section. To convert an exempt  
 9 ~~license certificate~~ to an active *license certificate*, the exempt advanced  
 10 *practice* registered nurse ~~practitioner~~ shall meet all the requirements of  
 11 subsection (a) or K.S.A. 65-1132, and amendments thereto. The board shall  
 12 have authority to write rules and regulations to carry out the provisions of this  
 13 section.

14 Sec. 8. **{On January 1, 2012,}** K.S.A. 2010 Supp. 65-1132 is hereby  
 15 amended to read as follows: 65-1132. (a)~~(+)~~ All ~~licenses certificates of~~  
 16 ~~qualification~~ issued under the provisions of this act, whether initial or renewal,  
 17 shall expire every two years. The expiration date shall be established by rules  
 18 and regulations of the board. The board shall send a notice for renewal of a  
 19 ~~license certificate of qualification~~ to every advanced *practice* registered nurse  
 20 ~~practitioner~~ at least 60 days prior to the expiration date of such person's  
 21 license. Every person who desires to renew such ~~license certificate of~~  
 22 ~~qualification~~ shall file with the board, on or before the date of expiration of  
 23 such ~~license certificate of qualification,~~†:

24 **(1)}** A renewal application together with the prescribed biennial renewal  
 25 fee. ~~And †;~~

26 **(2)}** *evidence of completion of continuing education in the advanced*  
 27 *practice registered nurse role, which has met the continuing education*  
 28 *requirement for an advanced practice registered nurse as developed by the*  
 29 *board or by a national organization whose certifying standards are approved*  
 30 *by the board as equal to or greater than the corresponding standards*  
 31 *established by the board. These continuing education credits approved by the*  
 32 *board may be applied to satisfy the continuing education requirements*  
 33 *established by the board for licensed professional nurses under K.S.A. 65-*  
 34 *1117, and amendments thereto, if the board finds such continuing education*  
 35 *credits are equivalent to those required by the board under K.S.A. 65-1117,*  
 36 *and amendments thereto; {and}*

37 ~~(2) be currently licensed~~ **(3)** *evidence of current licensure*† as a  
 38 *professional nurse;* ~~and †.~~

39 **(3)** Upon receipt of such application and payment of any applicable fee,  
 40 and upon being satisfied that the applicant for renewal of a *license certificate*  
 41 ~~of qualification~~ meets the requirements established by the board under K.S.A.  
 42 65-1130, and amendments thereto, in effect at the time of initial qualification  
 43 of the applicant, the board shall verify the accuracy of the application and

1 grant a renewal ~~license certificate of qualification~~.

2 (b) Any person who fails to secure a renewal ~~license certificate of~~  
3 ~~qualification~~ prior to the expiration of the ~~license certificate of qualification~~  
4 may secure a reinstatement of such lapsed ~~license certificate of qualification~~  
5 by making application therefor on a form provided by the board, upon  
6 furnishing proof that the applicant is competent and qualified to act as an  
7 advanced *practice* registered nurse ~~practitioner~~ and upon satisfying all of the  
8 requirements for reinstatement including payment to the board of a  
9 reinstatement fee as established by the board.

10 Sec. 9. {**On January 1, 2012,**} K.S.A. 65-1133 is hereby amended to  
11 read as follows: 65-1133. (a) An approved educational and training program  
12 for advanced *practice* registered ~~nurses nurse practitioners~~ is a program  
13 conducted in Kansas which has been approved by the board as meeting the  
14 standards and the rules and regulations of the board. An institution desiring to  
15 conduct an educational and training program for advanced *practice* registered  
16 ~~nurses nurse practitioners~~ shall apply to the board for approval and submit  
17 satisfactory proof that it is prepared to and will maintain the standards and the  
18 required curriculum for advanced *practice* registered ~~nurses nurse practitioners~~  
19 as prescribed by this act and by the rules and regulations of the board.  
20 Applications shall be made in writing on forms supplied by the board and shall  
21 be submitted to the board together with the application fee fixed by the board.  
22 The approval of an educational program for advanced *practice* registered  
23 ~~nurses nurse practitioners~~ shall not exceed 10 years after the granting of such  
24 approval by the board. An institution desiring to continue to conduct an  
25 approved educational program for advanced *practice* registered ~~nurses~~  
26 ~~practitioners~~ shall apply to the board for the renewal of approval and submit  
27 satisfactory proof that it will maintain the standards and the required  
28 curriculum for advanced *practice* registered ~~nurses nurse practitioners~~ as  
29 prescribed by this act and by the rules and regulations of the board.  
30 Applications for renewal of approval shall be made in writing on forms  
31 supplied by the board. Each program shall submit annually to the board an  
32 annual fee fixed by the board's rules and regulations to maintain the approved  
33 status.

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

41 (c) The board shall prepare and maintain a list of programs which qualify  
42 as approved educational programs for advanced *practice* registered ~~nurses~~  
43 ~~nurse practitioners~~ whose graduates, if they have the other necessary

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

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

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

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

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

35 Sec. 10. {**On January 1, 2012,**} K.S.A. 65-1154 is hereby amended to  
 36 read as follows: 65-1154. Upon application to the board by any licensed  
 37 professional nurse in this state and upon satisfaction of the standards and  
 38 requirements established under this act and K.S.A. 65-1130, and amendments  
 39 thereto, the board shall grant an authorization to the applicant to perform the  
 40 duties of a registered nurse anesthetist and be *licensed* ~~certified~~ as an advanced  
 41 *practice* registered nurse. ~~practitioner~~. An application to the board for an  
 42 authorization, for an authorization with temporary authorization, for biennial  
 43 renewal of authorization, for reinstatement of authorization and for

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

12 Sec. 11. {**On January 1, 2012,**} K.S.A. 65-1163 is hereby amended to  
 13 read as follows: 65-1163. Nothing in this act shall:

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

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

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

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

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

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

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

36 Sec. 12. {**On January 1, 2012,**} K.S.A. 2010 Supp. 8-1,125 is hereby  
 37 amended to read as follows: 8-1,125. (a) Any Kansas resident who submits  
 38 satisfactory proof to the director of vehicles, on a form provided by the  
 39 director, that such person is a person with a disability or is responsible for the  
 40 transportation of a person with a disability shall be issued a special license  
 41 plate or a permanent placard for any motor vehicle owned by such person or  
 42 shall be issued a temporary placard. Satisfactory proof of disability, condition  
 43 or impairment shall include a statement from a person licensed to practice the

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

27 (b) Special license plates issued pursuant to this section shall be issued  
28 for the same period of time as other license plates are issued or for the  
29 remainder of such period if an existing license plate is to be exchanged for the  
30 special license plate. There shall be no fee for such special license plates in  
31 addition to the regular registration fee. No person shall be issued more than  
32 one special license plate, except that agencies or businesses which provide  
33 transportation for persons with a disability as a service, may obtain additional  
34 special license plates for vehicles which are utilized in the provision of that  
35 service. Special license plates may be personalized license plates subject to the  
36 provisions of K.S.A. 8-132, and amendments thereto, including the payment of  
37 the additional fee.

38 (c) Except as otherwise provided in this section, placards and individual  
39 identification cards issued pursuant to this section shall be issued for such  
40 period of time as the person to whom issued continues to be a person with a  
41 disability or a person responsible for the transportation of a person with a  
42 disability, except that the secretary of revenue shall make a determination of  
43 continued eligibility for a special license plate or placard at least every three

1 years from the original date of issuance of such license plate and placard.

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

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

8 (f) Permanent placards and individual identification cards shall be  
9 returned to the department of revenue upon the death of the person with a  
10 disability. Temporary placards shall be returned to the department of revenue  
11 upon the expiration of the placard or upon the death of the person with a  
12 disability. Special license plates shall be returned to the county treasurer to be  
13 exchanged for another license plate upon the death of the person with a  
14 disability. The individual identification cards issued with the special license  
15 plates shall be returned to the department of revenue upon the death of the  
16 person with a disability.

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

19 Sec. 13. {**On January 1, 2012,**} K.S.A. 2010 Supp. 39-7,119 is hereby  
20 amended to read as follows: 39-7,119. (a) There is hereby created the medicaid  
21 drug utilization review board which shall be responsible for the  
22 implementation of retrospective and prospective drug utilization programs  
23 under the Kansas medicaid program.

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (1) One member shall be a licensed pharmacist who is actively  
25 performing or who has experience performing medicaid pharmacy services for  
26 a hospital and who is nominated by the Kansas hospital association and  
27 appointed by the Kansas health policy authority from a list of two or more  
28 nominees;

29 (2) one member shall be a licensed pharmacist who is actively performing  
30 or who has experience performing medicaid pharmacy services for a licensed  
31 adult care home 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 (3) one member shall be a licensed physician who is actively engaged in  
35 the general practice of allopathic medicine and who has practice experience  
36 with the state medicaid plan and who is nominated by the Kansas medical  
37 society and appointed by the Kansas health policy authority from a list of two  
38 or more nominees;

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



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

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

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

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

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

26 Sec. 14. {**On January 1, 2012,**} K.S.A. 2010 Supp. 40-2,111 is hereby  
27 amended to read as follows: 40-2,111. As used in K.S.A. 40-2,111 through 40-  
28 2,113, and amendments thereto: (a) "Adverse underwriting decision" means:  
29 Any of the following actions with respect to insurance transactions involving  
30 insurance coverage which is individually underwritten:

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

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

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

40 (c) "Health care institution" means any medical care facility, adult care  
41 home, drug abuse and alcoholic treatment facility, home-health agency  
42 certified for federal reimbursement, mental health center or mental health  
43 clinic licensed by the secretary of social and rehabilitation services, kidney

1 disease treatment center, county, city-county or multicounty health  
2 departments and health-maintenance organization.

3 (d) "Health care provider" means any person licensed to practice any  
4 branch of the healing arts, licensed dentist, licensed professional nurse,  
5 licensed practical nurse, *licensed advanced practice* registered nurse  
6 ~~practitioner~~, licensed optometrist, licensed physical therapist, licensed social  
7 worker, licensed physician assistant, licensed podiatrist or licensed  
8 psychologist.

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

- 12 (1) An agent;
- 13 (2) the individual who is the subject of the information; or
- 14 (3) a natural person acting in a personal capacity rather than a business or  
15 professional capacity.

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

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

- 20 (1) Relates to an individual's physical or mental condition, medical  
21 history or medical treatment; and
- 22 (2) is obtained from a health care provider or health care institution, from  
23 the individual, or from the individual's spouse, parent or legal guardian.

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

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

29 Sec. 15. **{On January 1, 2012,}** K.S.A. 40-2250 is hereby amended to  
30 read as follows: 40-2250. ~~(a)~~ Notwithstanding any provision of an individual  
31 or group policy or contract for health and accident insurance delivered within  
32 the state, whenever such policy or contract shall provide for reimbursement for  
33 any services within the lawful scope of practice of ~~an~~ *a licensed advanced*  
34 *practice* registered nurse ~~practitioner~~ within the state of Kansas, the insured, or  
35 any other person covered by the policy or contract, shall be allowed and  
36 entitled to reimbursement for such service irrespective of whether it was  
37 provided or performed by a duly licensed physician or ~~an~~ *a licensed advanced*  
38 *practice* registered nurse. ~~practitioner.~~

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

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

1 Sec. 16. {**On January 1, 2012,**} K.S.A. 2010 Supp. 65-468 is hereby  
2 amended to read as follows: 65-468. As used in K.S.A. 65-468 to 65-474,  
3 inclusive, and amendments thereto:

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

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

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

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

17 (e) "Rural health network" means an alliance of members including at  
18 least one critical access hospital and at least one other hospital which has  
19 developed a comprehensive plan submitted to and approved by the secretary of  
20 health and environment regarding patient referral and transfer; the provision of  
21 emergency and nonemergency transportation among members; the  
22 development of a network-wide emergency services plan; and the development  
23 of a plan for sharing patient information and services between hospital  
24 members concerning medical staff credentialing, risk management, quality  
25 assurance and peer review.

26 (f) "Critical access hospital" means a member of a rural health network  
27 which makes available twenty-four hour emergency care services; provides not  
28 more than 25 acute care inpatient beds or in the case of a facility with an  
29 approved swing-bed agreement a combined total of extended care and acute  
30 care beds that does not exceed 25 beds; provides acute inpatient care for a  
31 period that does not exceed, on an annual average basis, 96 hours per patient;  
32 and provides nursing services under the direction of a licensed professional  
33 nurse and continuous licensed professional nursing services for not less than  
34 24 hours of every day when any bed is occupied or the facility is open to  
35 provide services for patients unless an exemption is granted by the licensing  
36 agency pursuant to rules and regulations. The critical access hospital may  
37 provide any services otherwise required to be provided by a full-time, on-site  
38 dietician, pharmacist, laboratory technician, medical technologist and  
39 radiological technologist on a part-time, off-site basis under written  
40 agreements or arrangements with one or more providers or suppliers  
41 recognized under medicare. The critical access hospital may provide inpatient  
42 services by a physician assistant, *advanced practice registered nurse*  
43 ~~practitioner~~ or a clinical nurse specialist subject to the oversight of a physician

1 who need not be present in the facility. In addition to the facility's 25 acute  
2 beds or swing beds, or both, the critical access hospital may have a psychiatric  
3 unit or a rehabilitation unit, or both. Each unit shall not exceed 10 beds and  
4 neither unit will count toward the 25-bed limit, nor will these units be subject  
5 to the average 96-hour length of stay restriction.

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

10 Sec. 17. {**On January 1, 2012,**} K.S.A. 2010 Supp. 65-1626 is hereby  
11 amended to read as follows: 65-1626. For the purposes of this act:

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

- 15 (1) A practitioner or pursuant to the lawful direction of a practitioner;
- 16 (2) the patient or research subject at the direction and in the presence of  
17 the practitioner; or
- 18 (3) a pharmacist as authorized in K.S.A. 65-1635a, and amendments  
19 thereto.

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

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

36 (d) "Board" means the state board of pharmacy created by K.S.A. 74-  
37 1603, and amendments thereto.

38 (e) "Brand exchange" means the dispensing of a different drug product of  
39 the same dosage form and strength and of the same generic name ~~asthan~~ the  
40 brand name drug product prescribed.

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

43 (g) "Chain pharmacy warehouse" means a permanent physical location

1 for drugs or devices, or both, that *acts* as a central warehouse and *performs*  
2 ~~perform~~ intracompany sales or transfers of prescription drugs or devices to  
3 chain pharmacies that have the same ownership or control. Chain pharmacy  
4 warehouses must be registered as wholesale distributors.

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

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

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

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

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

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

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

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

39 (p) "Drug" means: (1) Articles recognized in the official United States  
40 pharmacopoeia, or other such official compendiums of the United States, or  
41 official national formulary, or any supplement of any of them; (2) articles  
42 intended for use in the diagnosis, cure, mitigation, treatment or prevention of  
43 disease in man or other animals; (3) articles, other than food, intended to affect

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

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

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

27 (s) "Electronic transmission" means transmission of information in  
28 electronic form or the transmission of the exact visual image of a document by  
29 way of electronic equipment.

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

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

- 36 (A) Inmates of a jail or correctional institution or facility;
  - 37 (B) residents of a juvenile detention facility, as defined by the revised  
38 Kansas code for care of children and the revised Kansas juvenile justice code;
  - 39 (C) students of a public or private university or college, a community  
40 college or any other institution of higher learning which is located in Kansas;
  - 41 (D) employees of a business or other employer; or
  - 42 (E) persons receiving inpatient hospice services.
- 43 (2) "Institutional drug room" does not include:

1 (A) Any registered pharmacy;  
2 (B) any office of a practitioner; or  
3 (C) a location where no prescription-only drugs are dispensed and no  
4 prescription-only drugs other than individual prescriptions are stored or  
5 administered.

6 (v) "Intracompany transaction" means any transaction or transfer between  
7 any division, subsidiary, parent or affiliated or related company under common  
8 ownership or control of a corporate entity, or any transaction or transfer  
9 between co-licensees of a co-licensed product.

10 (w) "Medical care facility" shall have the meaning provided in K.S.A. 65-  
11 425, and amendments thereto, except that the term shall also include facilities  
12 licensed under the provisions of K.S.A. 75-3307b, and amendments thereto,  
13 except community mental health centers and facilities for the mentally  
14 retarded.

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

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

33 (z) "Normal distribution channel" means a chain of custody for a  
34 prescription-only drug that goes from a manufacturer of the prescription-only  
35 drug, from that manufacturer to that manufacturer's co-licensed partner, from  
36 that manufacturer to that manufacturer's third-party logistics provider, or from  
37 that manufacturer to that manufacturer's exclusive distributor, directly or by  
38 drop shipment, to:

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

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

43 (3) a wholesale distributor to a chain pharmacy warehouse to that chain

1 pharmacy warehouse's intracompany pharmacy to a patient or other designated  
2 persons authorized by law to dispense or administer such drug to a patient; or

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

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

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

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

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

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

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

40 (gg) "Practitioner" means a person licensed to practice medicine and  
41 surgery, dentist, podiatrist, veterinarian, optometrist ~~licensed under the~~  
42 ~~optometry law as a therapeutic licensee or diagnostic and therapeutic licensee,~~  
43 or scientific investigator or other person authorized by law to use a



1 prescription-only drug in teaching or chemical analysis or to conduct research  
2 with respect to a prescription-only drug.

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

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

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

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

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

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

29 (nn) "Professional incompetency" means:

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

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

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

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

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

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

11 (ww) "Wholesale distribution" means the distribution of prescription  
12 drugs or devices by wholesale distributors to persons other than consumers or  
13 patients, and includes the transfer of prescription drugs by a pharmacy to  
14 another pharmacy if the total number of units of transferred drugs during a  
15 twelve-month period does not exceed 5% of the total number of all units  
16 dispensed by the pharmacy during the immediately preceding twelve-month  
17 period. Wholesale distribution does not include: (1) The sale, purchase or trade  
18 of a prescription drug or device, an offer to sell, purchase or trade a  
19 prescription drug or device or the dispensing of a prescription drug or device  
20 pursuant to a prescription; (2) the sale, purchase or trade of a prescription drug  
21 or device or an offer to sell, purchase or trade a prescription drug or device for  
22 emergency medical reasons; (3) intracompany transactions, as defined in this  
23 section, unless in violation of own use provisions; (4) the sale, purchase or  
24 trade of a prescription drug or device or an offer to sell, purchase or trade a  
25 prescription drug or device among hospitals, chain pharmacy warehouses,  
26 pharmacies or other health care entities that are under common control; (5) the  
27 sale, purchase or trade of a prescription drug or device or the offer to sell,  
28 purchase or trade a prescription drug or device by a charitable organization  
29 described in ~~503(c)(3)~~503-(e)(3) of the internal revenue code of 1954 to a  
30 nonprofit affiliate of the organization to the extent otherwise permitted by law;  
31 (6) the purchase or other acquisition by a hospital or other similar health care  
32 entity that is a member of a group purchasing organization of a prescription  
33 drug or device for its own use from the group purchasing organization or from  
34 other hospitals or similar health care entities that are members of these  
35 organizations; (7) the transfer of prescription drugs or devices between  
36 pharmacies pursuant to a centralized prescription processing agreement; (8)  
37 the sale, purchase or trade of blood and blood components intended for  
38 transfusion; (9) the return of recalled, expired, damaged or otherwise non-  
39 salable prescription drugs, when conducted by a hospital, health care entity,  
40 pharmacy, chain pharmacy warehouse or charitable institution in accordance  
41 with the board's rules and regulations; (10) the sale, transfer, merger or  
42 consolidation of all or part of the business of a retail pharmacy or pharmacies  
43 from or with another retail pharmacy or pharmacies, whether accomplished as

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

9 Sec. 18. {**On January 1, 2012,**} K.S.A. 2010 Supp. 65-2921 is hereby  
10 amended to read as follows: 65-2921. (a) Except as otherwise provided in  
11 subsection (b), (c) or (d), a physical therapist may evaluate patients without  
12 physician referral but may initiate treatment only after approval by a licensed  
13 physician, a licensed podiatrist, a licensed physician assistant or ~~an a licensed~~  
14 advanced *practice* registered nurse practitioner working pursuant to the order  
15 or direction of a licensed physician, a licensed chiropractor, a licensed dentist  
16 or licensed optometrist in appropriately related cases. Physical therapists may  
17 initiate physical therapy treatment with the approval of a practitioner of the  
18 healing arts duly licensed under the laws of another state and may provide  
19 such treatment based upon an order by such practitioner in any setting in  
20 which physical therapists would be authorized to provide such treatment with  
21 the approval of a physician licensed by the board, notwithstanding any  
22 provisions of the Kansas healing arts act or any rules and regulations adopted  
23 by the board thereunder.

24 (b) Physical therapists may evaluate and treat a patient for no more than  
25 30 consecutive calendar days without a referral under the following  
26 conditions: (1) The patient has previously been referred to a physical therapist  
27 for physical therapy services by a person authorized by this section to approve  
28 treatment; (2) the patient's referral for physical therapy was made within one  
29 year from the date a physical therapist implements a program of physical  
30 therapy treatment without a referral; (3) the physical therapy being provided to  
31 the patient without referral is for the same injury, disease or condition as  
32 indicated in the referral for such previous injury, disease or condition; and (4)  
33 the physical therapist transmits to the physician or other practitioner identified  
34 by the patient a copy of the initial evaluation no later than five business days  
35 after treatment commences. Treatment *of such patient* for more than 30  
36 consecutive calendar days ~~of such patient~~ shall only be upon the approval of a  
37 person authorized by this section to approve treatment.

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

43 (d) Physical therapists may provide services without a referral to special

1 education students who need physical therapy services to fulfill the provisions  
2 of their individualized education plan (IEP) or individualized family service  
3 plan (IFSP).

4 Sec. 19. {**On January 1, 2012,**} K.S.A. 2010 Supp. 65-4101 is hereby  
5 amended to read as follows: 65-4101. As used in this act: (a) "Administer"  
6 means the direct application of a controlled substance, whether by injection,  
7 inhalation, ingestion or any other means, to the body of a patient or research  
8 subject by: (1) A practitioner or pursuant to the lawful direction of a  
9 practitioner; or

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

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

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

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

19 (e) "Controlled substance" means any drug, substance or immediate  
20 precursor included in any of the schedules designated in K.S.A. 65-4105, 65-  
21 4107, 65-4109, 65-4111 and 65-4113, and amendments *thereto*. ~~to these~~  
22 ~~sections~~.

23 (f) "Counterfeit substance" means a controlled substance which, or the  
24 container or labeling of which, without authorization bears the trademark,  
25 trade name or other identifying mark, imprint, number or device or any  
26 likeness thereof of a manufacturer, distributor or dispenser other than the  
27 person who in fact manufactured, distributed or dispensed the substance.

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

31 (h) "Dispense" means to deliver a controlled substance to an ultimate user  
32 or research subject by or pursuant to the lawful order of a practitioner,  
33 including the packaging, labeling or compounding necessary to prepare the  
34 substance for that delivery, or pursuant to the prescription of a mid-level  
35 practitioner.

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

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

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

40 (l) "Drug" means: (1) Substances recognized as drugs in the official  
41 United States pharmacopoeia, official homeopathic pharmacopoeia of the  
42 United States or official national formulary or any supplement to any of them;  
43 (2) substances intended for use in the diagnosis, cure, mitigation, treatment or

1 prevention of disease in man or animals; (3) substances (other than food)  
2 intended to affect the structure or any function of the body of man or animals;  
3 and (4) substances intended for use as a component of any article specified in  
4 clause (1), (2) or (3) of this subsection. It does not include devices or their  
5 components, parts or accessories.

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

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

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

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

37 (p) "Narcotic drug" means any of the following whether produced  
38 directly or indirectly by extraction from substances of vegetable origin or  
39 independently by means of chemical synthesis or by a combination of  
40 extraction and chemical synthesis: (1) Opium and opiate and any salt,  
41 compound, derivative or preparation of opium or opiate;

42 (2) any salt, compound, isomer, derivative or preparation thereof which is  
43 chemically equivalent or identical with any of the substances referred to in

1 clause (1) but not including the isoquinoline alkaloids of opium;

2 (3) opium poppy and poppy straw;

3 (4) coca leaves and any salt, compound, derivative or preparation of coca  
4 leaves, and any salt, compound, isomer, derivative or preparation thereof  
5 which is chemically equivalent or identical with any of these substances, but  
6 not including decocainized coca leaves or extractions of coca leaves which do  
7 not contain cocaine or ecgonine.

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

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

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

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

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

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

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

32 (x) "Ultimate user" means a person who lawfully possesses a controlled  
33 substance for such person's own use or for the use of a member of such  
34 person's household or for administering to an animal owned by such person or  
35 by a member of such person's household.

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

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

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

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

43 (A) The chemical structure of which is substantially similar to the

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

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

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

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

15 (A) A controlled substance;

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

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

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

29 Sec. 20. {**On January 1, 2012,**} K.S.A. 2010 Supp. 65-5402 is hereby  
30 amended to read as follows: 65-5402. As used in K.S.A. 65-5401 to 65-5417,  
31 inclusive, and K.S.A. 65-5418 to 65-5420, inclusive, and amendments thereto:

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

33 (b) "Practice of occupational therapy" means the therapeutic use of  
34 purposeful and meaningful occupations (goal-directed activities) to evaluate  
35 and treat, pursuant to the referral, supervision, order or direction of a  
36 physician, a licensed podiatrist, a licensed dentist, a licensed physician  
37 assistant, or ~~an~~ a *licensed advanced practice* registered nurse ~~practitioner~~  
38 working pursuant to the order or direction of a person licensed to practice  
39 medicine and surgery, a licensed chiropractor, or a licensed optometrist,  
40 individuals who have a disease or disorder, impairment, activity limitation or  
41 participation restriction that interferes with their ability to function  
42 independently in daily life roles and to promote health and wellness.  
43 Occupational therapy intervention may include:



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

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

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

8 (4) health promotion strategies and practices that enhance performance  
9 abilities.

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

11 (1) Evaluating, developing, improving, sustaining, or restoring skills in  
12 activities of daily living (ADL), work or productive activities, including  
13 instrumental activities of daily living (IADL) and play and leisure activities;

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

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

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

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

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

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

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

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

30 (e) "Occupational therapy assistant" means a person licensed to assist in  
31 the practice of occupational therapy under the supervision of an occupational  
32 therapist.

33 (f) "Person" means any individual, partnership, unincorporated  
34 organization or corporation.

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

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

40 Sec. 21. {**On January 1, 2012,**} K.S.A. 2010 Supp. 65-6112 is hereby  
41 amended to read as follows: 65-6112. As used in this act:

42 (a) "Administrator" means the executive director of the emergency  
43 medical services board.

1 (b) "Advanced emergency medical technician" means a person who holds  
2 an advanced emergency medical technician certificate issued pursuant to this  
3 act.

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

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

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

15 (f) "Attendant" means a first responder, an emergency medical responder,  
16 emergency medical technician, emergency medical technician-intermediate,  
17 emergency medical technician-defibrillator, emergency medical technician-  
18 intermediate/defibrillator, advanced emergency medical technician, mobile  
19 intensive care technician or paramedic certified pursuant to this act.

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

22 (h) "Emergency medical service" means the effective and coordinated  
23 delivery of such care as may be required by an emergency which includes the  
24 care and transportation of individuals by ambulance services and the  
25 performance of authorized emergency care by a physician, advanced *practice*  
26 registered nurse ~~practitioner~~, professional nurse, a licensed physician assistant  
27 or attendant.

28 (i) "Emergency medical technician" means a person who holds an  
29 emergency medical technician certificate issued pursuant to this act.

30 (j) "Emergency medical technician-defibrillator" means a person who  
31 holds an emergency medical technician-defibrillator certificate issued pursuant  
32 to this act.

33 (k) "Emergency medical technician-intermediate" means a person who  
34 holds an emergency medical technician-intermediate certificate issued  
35 pursuant to this act.

36 (l) "Emergency medical technician-intermediate/defibrillator" means a  
37 person who holds both an emergency medical technician-intermediate and  
38 emergency medical technician defibrillator certificate issued pursuant to this  
39 act.

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

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

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

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

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

7 (r) "Medical protocols" mean written guidelines which authorize  
8 attendants to perform certain medical procedures prior to contacting a  
9 physician, physician assistant authorized by a physician, advanced *practice*  
10 registered nurse ~~practitioner~~ authorized by a physician or professional nurse  
11 authorized by a physician. The medical protocols shall be approved by a  
12 county medical society or the medical staff of a hospital to which the  
13 ambulance service primarily transports patients, or if neither of the above are  
14 able or available to approve the medical protocols, then the medical protocols  
15 shall be submitted to the medical advisory council for approval.

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

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

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

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

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

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

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

33 (z) "Physician assistant" means a person who is licensed under the  
34 physician assistant licensure act and who is acting under the direction of a  
35 responsible physician.

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

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

43 (cc) "Responsible physician" means responsible physician as such term is

1 defined under K.S.A. 65-28a02, and amendments thereto.

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

5 Sec. 22. {**On January 1, 2012,**} K.S.A. 2010 Supp. 65-6119 is hereby  
6 amended to read as follows: 65-6119. (a) Notwithstanding any other provision  
7 of law, mobile intensive care technicians may:

8 (1) Perform all the authorized activities identified in K.S.A. 65-6120, 65-  
9 6121, 65-6123, 65-6144, and amendments thereto;

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

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

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

23 (b) An individual who holds a valid certificate as a mobile intensive care  
24 technician once meeting the continuing education requirements prescribed by  
25 the rules and regulations of the board, upon application for renewal, shall be  
26 deemed to hold a certificate as a paramedic under this act, and such individual  
27 shall not be required to file an original application as a paramedic for  
28 certification under this act.

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

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

34 (1) Perform all the authorized activities identified in K.S.A. 65-6120, 65-  
35 6121, 65-6144, and amendments thereto;

36 (2) when voice contact or a telemetered electrocardiogram is monitored  
37 by a physician, physician assistant where authorized by a physician or an  
38 advanced *practice* registered nurse ~~practitioner~~ where authorized by a  
39 physician or licensed professional nurse where authorized by a physician and  
40 direct communication is maintained, and upon order of such person, may  
41 administer such medications or procedures as may be deemed necessary by a  
42 person identified in subsection (d)(2);

43 (3) perform, during an emergency, those activities specified in subsection

1 (d)(2) before contacting a person identified in subsection (d)(2) when  
2 specifically authorized to perform such activities by medical protocols; and

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

6 Sec. 23. {**On January 1, 2012,**} K.S.A. 2010 Supp. 65-6120 is hereby  
7 amended to read as follows: 65-6120. (a) Notwithstanding any other provision  
8 of law to the contrary, an emergency medical technician-intermediate may:

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

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

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

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

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

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

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

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

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

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

20 (f) An individual who holds a valid certificate as both an emergency  
 21 medical technician-intermediate and as an emergency medical technician-  
 22 defibrillator once completing the board prescribed transition course, and  
 23 validation of cognitive and psychomotor competency as determined by rules  
 24 and regulations of the board, upon application for renewal, shall be deemed to  
 25 hold a certificate as an advanced emergency medical technician under this act,  
 26 and such individual shall not be required to file an original application for  
 27 certification as an advanced emergency medical technician under this act.

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

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

37 Sec. 24. {**On January 1, 2012,**} K.S.A. 2010 Supp. 65-6121 is hereby  
 38 amended to read as follows: 65-6121. (a) Notwithstanding any other provision  
 39 of law to the contrary, an emergency medical technician may perform any of  
 40 the following activities:

- 41 (1) Patient assessment and vital signs;
- 42 (2) airway maintenance including the use of:
- 43 (A) Oropharyngeal and nasopharyngeal airways;

- 1 (B) esophageal obturator airways with or without gastric suction device;
- 2 (C) multi-lumen airway; and
- 3 (D) oxygen demand valves.
- 4 (3) Oxygen therapy;
- 5 (4) oropharyngeal suctioning;
- 6 (5) cardiopulmonary resuscitation procedures;
- 7 (6) control accessible bleeding;
- 8 (7) apply pneumatic anti-shock garment;
- 9 (8) manage outpatient medical emergencies;
- 10 (9) extricate patients and utilize lifting and moving techniques;
- 11 (10) manage musculoskeletal and soft tissue injuries including dressing
- 12 and bandaging wounds or the splinting of fractures, dislocations, sprains or
- 13 strains;
- 14 (11) use of backboards to immobilize the spine;
- 15 (12) administer activated charcoal and glucose;
- 16 (13) monitor peripheral intravenous line delivering intravenous fluids
- 17 during interfacility transport with the following restrictions:
- 18 (A) The physician approves the transfer by an emergency medical
- 19 technician;
- 20 (B) no medications or nutrients have been added to the intravenous fluids;
- 21 and
- 22 (C) the emergency medical technician may monitor, maintain and shut off
- 23 the flow of intravenous fluid;
- 24 (14) use automated external defibrillators;
- 25 (15) administer epinephrine auto-injectors provided that:
- 26 (A) The emergency medical technician successfully completes a course
- 27 of instruction approved by the board in the administration of epinephrine; and
- 28 (B) the emergency medical technician serves with an ambulance service
- 29 or a first response organization that provides emergency medical services; and
- 30 (C) the emergency medical technician is acting pursuant to medical
- 31 protocols;
- 32 (16) perform, during nonemergency transportation, those activities
- 33 specified in this section when specifically authorized to perform such activities
- 34 by medical protocols; or
- 35 (17) when authorized by medical protocol, assist the patient in the
- 36 administration of the following medications which have been prescribed for
- 37 that patient: Auto-injection epinephrine, sublingual nitroglycerin and inhalers
- 38 for asthma and emphysema.
- 39 (b) An individual who holds a valid certificate as an emergency medical
- 40 technician at the current basic level once completing the board prescribed
- 41 transition course, and validation of cognitive and psychomotor competency as
- 42 determined by rules and regulations of the board, upon application for
- 43 renewal, shall be deemed to hold a certificate as an emergency medical

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

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

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

12 (e) Upon transition, notwithstanding any other provision of law to the  
13 contrary, an emergency medical technician may perform any activities  
14 identified in K.S.A. 65-6144, and amendments thereto, and any of the  
15 following interventions, by use of the devices, medications and equipment, or  
16 any combination thereof, after successfully completing an approved course of  
17 instruction, local specialized device training and competency validation and  
18 when authorized by medical protocols, upon order when direct communication  
19 is maintained by radio, telephone or video conference is monitored by a  
20 physician, physician assistant when authorized by a physician, an advanced  
21 *practice* registered nurse ~~practitioner~~ when authorized by a physician or a  
22 licensed professional nurse when authorized by a physician, upon order of  
23 such person:

- 24 (1) Airway maintenance including use of:
  - 25 (A) Single lumen airways as approved by the board;
  - 26 (B) multilumen airways;
  - 27 (C) ventilator devices;
  - 28 (D) forceps removal of airway obstruction;
  - 29 (E) CO2 monitoring;
  - 30 (F) airway suctioning;
- 31 (2) apply pneumatic anti-shock garment;
- 32 (3) assist with childbirth;
- 33 (4) monitoring urinary catheter;
- 34 (5) capillary blood sampling;
- 35 (6) cardiac monitoring;
- 36 (7) administration of patient assisted medications as approved by the  
37 board;
- 38 (8) administration of medications as approved by the board by  
39 appropriate routes; and
- 40 (9) monitor, maintain or discontinue flow of IV line if a physician  
41 approves transfer by an emergency medical technician.

42 Sec. 25. {On January 1, 2012,} K.S.A. 2010 Supp. 65-6123 is hereby  
43 amended to read as follows: 65-6123. (a) Notwithstanding any other provision



1 of law to the contrary, an emergency medical technician-defibrillator may:

2 (1) Perform any of the activities identified in K.S.A. 65-6121, and  
3 amendments thereto;

4 (2) when approved by medical protocols and where voice contact by  
5 radio or telephone is monitored by a physician, physician assistant where  
6 authorized by a physician, advanced *practice* registered nurse ~~practitioner~~  
7 where authorized by a physician, or licensed professional nurse where  
8 authorized by a physician, and direct communication is maintained, upon order  
9 of such person, may perform electrocardiographic monitoring and  
10 defibrillation;

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

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

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

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

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

32 Sec. 26. {**On January 1, 2012,**} K.S.A. 2010 Supp. 65-6124 is hereby  
33 amended to read as follows: 65-6124. (a) No physician, physician assistant,  
34 advanced *practice* registered nurse ~~practitioner~~ or licensed professional nurse,  
35 who gives emergency instructions to an attendant as defined by K.S.A. 65-  
36 6112, and amendments thereto, during an emergency, shall be liable for any  
37 civil damages as a result of issuing the instructions, except such damages  
38 which may result from gross negligence in giving such instructions.

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

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

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

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

13 Sec. 27. {On January 1, 2012;} K.S.A. 2010 Supp. 65-6129c is hereby  
14 amended to read as follows: 65-6129c. (a) Application for a training officer's  
15 certificate shall be made to the emergency medical services board upon forms  
16 provided by the administrator. The board may grant a training officer's  
17 certificate to an applicant who: (1) Is an emergency medical technician,  
18 emergency medical technician-intermediate, emergency medical technician-  
19 defibrillator, mobile intensive care technician, advanced emergency medical  
20 technician, paramedic, physician, physician assistant, advanced *practice*  
21 registered nurse ~~practitioner~~ or professional nurse; (2) successfully completes  
22 an initial course of training approved by the board; (3) passes an examination  
23 prescribed by the board; (4) is appointed by a provider of training approved by  
24 the board; and (5) has paid a fee established by the board.

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

43 (c) A training officer's certificate may be denied, revoked, limited,

1 modified or suspended by the board or the board may refuse to renew such  
 2 certificate if such individual:

3 (1) Fails to maintain certification or licensure as an emergency medical  
 4 technician, emergency medical technician-intermediate, emergency medical  
 5 technician-defibrillator, mobile intensive care technician, advanced emergency  
 6 medical technician, paramedic, physician, physician assistant, advanced  
 7 *practice* registered nurse practitioner or professional nurse;

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

9 (3) fails to successfully complete continuing education;

10 (4) has made intentional misrepresentations in obtaining a certificate or  
 11 renewing a certificate;

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

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

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

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

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

34 Sec. 28. {On January 1, 2012,} K.S.A. 2010 Supp. 65-6135 is hereby  
 35 amended to read as follows: 65-6135. (a) All ambulance services providing  
 36 emergency care as defined by the rules and regulations adopted by the board  
 37 shall offer service 24 hours per day every day of the year.

38 (b) Whenever an operator is required to have a permit, at least one person  
 39 on each vehicle providing emergency medical service shall be an attendant  
 40 certified as an emergency medical technician, emergency medical technician-  
 41 intermediate, emergency medical technician-defibrillator, a mobile intensive  
 42 care technician, emergency medical technician-intermediate/defibrillator,  
 43 advanced emergency medical technician, a paramedic, a physician, a licensed

1 physician assistant, ~~an~~ a licensed advanced practice registered nurse  
2 practitioner or a professional nurse.

3 Sec. 29. {On January 1, 2012,} K.S.A. 2010 Supp. 65-6144 is hereby  
4 amended to read as follows: 65-6144. (a) A first responder may perform any of  
5 the following activities:

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

9 (2) cardiopulmonary resuscitation and airway management;

10 (3) control of bleeding;

11 (4) extremity splinting excluding traction splinting;

12 (5) stabilization of the condition of the individual in need of emergency  
13 care;

14 (6) oxygen therapy;

15 (7) use of oropharyngeal airways;

16 (8) use of bag valve masks;

17 (9) use automated external defibrillators; and

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

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

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

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

32 (e) Upon transition, notwithstanding any other provision of law to the  
33 contrary, an emergency medical responder may perform any of the following  
34 interventions, by use of the devices, medications and equipment, or any  
35 combination thereof, after successfully completing an approved course of  
36 instruction, local specialized device training and competency validation and  
37 when authorized by medical protocols, upon order when direct communication  
38 is maintained by radio, telephone or video conference is monitored by a  
39 physician, physician assistant when authorized by a physician, an advanced  
40 practice registered nurse practitioner when authorized by a physician or a  
41 licensed professional nurse when authorized by a physician, upon order of  
42 such person: (1) Emergency vehicle operations; (2) initial scene management;  
43 (3) patient assessment and stabilization; (4) cardiopulmonary resuscitation and

1 airway management; (5) control of bleeding; (6) extremity splinting; (7) spinal  
 2 immobilization; (8) oxygen therapy; (9) use of bag-valve-mask; (10) use of  
 3 automated external defibrillator; (11) nebulizer therapy; (12) intramuscular  
 4 injections with auto-injector; (13) administration of oral glucose; (14)  
 5 administration of aspirin; (15) recognize and comply with advanced directives;  
 6 (16) insertion and maintenance of oral and nasal pharyngeal airways; (17) use  
 7 of blood glucose monitoring; and (18) other techniques and devices of  
 8 preliminary care an emergency medical responder is trained to provide as  
 9 approved by the board.

10 Sec. 30. **{On January 1, 2012,}** K.S.A. 2010 Supp. 72-5213 is hereby  
 11 amended to read as follows: 72-5213. (a) Every board of education shall  
 12 require all employees of the school district, who come in regular contact with  
 13 the pupils of the school district, to submit a certification of health on a form  
 14 prescribed by the secretary of health and environment and signed by a person  
 15 licensed to practice medicine and surgery under the laws of any state, or by a  
 16 person who is licensed as a physician assistant under the laws of this state  
 17 when such person is working at the direction of or in collaboration with a  
 18 person licensed to practice medicine and surgery, or by a person holding a  
 19 ~~license certificate of qualification~~ to practice as an advanced *practice*  
 20 registered nurse ~~practitioner~~ under the laws of this state when such person is  
 21 working at the direction of or in collaboration with a person licensed to  
 22 practice medicine and surgery. The certification shall include a statement that  
 23 there is no evidence of physical condition that would conflict with the health,  
 24 safety, or welfare of the pupils; and that freedom from tuberculosis has been  
 25 established by chest x-ray or negative tuberculin skin test. If at any time there  
 26 is reasonable cause to believe that any such employee of the school district is  
 27 suffering from an illness detrimental to the health of the pupils, the school  
 28 board may require a new certification of health.

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

43 (c) Every board of education may require persons, other than employees

1 of the school district, to submit to the same certification of health requirements  
 2 as are imposed upon employees of the school district under the provisions of  
 3 subsection (a) if such persons perform or provide services to or for a school  
 4 district which require such persons to come in regular contact with the pupils  
 5 of the school district. No such person shall be required to submit a certification  
 6 of health if the person presents a signed statement that the person is an  
 7 adherent of a religious denomination whose religious teachings are opposed to  
 8 physical examinations. Such persons shall be permitted to submit, as an  
 9 alternative to a certification of health, certification signed by a person licensed  
 10 to practice medicine and surgery under the laws of any state, or by a person  
 11 who is licensed as a physician assistant under the laws of this state when such  
 12 person is working at the direction of or in collaboration with a person licensed  
 13 to practice medicine and surgery, or by a person holding a *license certificate of*  
 14 ~~qualification~~ to practice as an advanced *practice* registered nurse ~~practitioner~~  
 15 under the laws of this state when such person is working at the direction of or  
 16 in collaboration with a person licensed to practice medicine and surgery that  
 17 freedom of such persons from tuberculosis has been established.

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

20 Sec. 31. {**On January 1, 2012,**} K.S.A. 2010 Supp. 72-8252 is hereby  
 21 amended to read as follows: 72-8252. (a) As used in this section:

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

26 (2) "Health care provider" means: (A) A physician licensed to practice  
 27 medicine and surgery; (B) an advanced *practice* registered nurse ~~practitioner~~  
 28 issued a ~~license certificate of qualification~~ pursuant to K.S.A. 65-1131, and  
 29 amendments thereto, who has authority to prescribe drugs as provided by  
 30 K.S.A. 65-1130, and amendments thereto; or (C) a physician assistant licensed  
 31 pursuant to the physician assistant licensure act who has authority to prescribe  
 32 drugs pursuant to a written protocol with a responsible physician under K.S.A.  
 33 65-28a08, and amendments thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (g) A school district shall require that information described in  
43 paragraphs (3) and (4) of subsection (b) be kept on file at the student's school

1 in a location easily accessible in the event of an asthma or anaphylaxis  
2 emergency.

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

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

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

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

13 Sec. 32. **{On January 1, 2012,}** K.S.A. 2010 Supp. 74-1106 is hereby  
14 amended to read as follows: 74-1106. (a) *Appointment, term of office.* (1) The  
15 governor shall appoint a board consisting of 11 members of which six shall be  
16 registered professional nurses, two shall be licensed practical nurses and three  
17 shall be members of the general public, which shall constitute a board of  
18 nursing, with the duties, power and authority set forth in this act.

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

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

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

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



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

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

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

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

42 (4) The board shall examine, license and renew licenses of duly qualified  
43 applicants and conduct hearings upon charges for limitation, suspension or

1 revocation of a license or approval of professional and practical nursing and  
2 mental health technician programs and may limit, deny, suspend or revoke for  
3 proper legal cause, licenses or approval of professional and practical nursing  
4 and mental health technician programs, as hereinafter provided. Examination  
5 for applicants for registration shall be given at least twice each year and as  
6 many other times as deemed necessary by the board. The board shall promote  
7 improved means of nursing education and standards of nursing care through  
8 institutes, conferences and other means.

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

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

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

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

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

1 same procedure as is prescribed by the code of civil procedure for subpoenas  
2 issued out of the district courts of this state.

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

12 Sec. 33. {On January 1, 2012,} K.S.A. 74-32,131 is hereby amended to  
13 read as follows: 74-32,131. This act shall be known and may be cited as the  
14 advanced *practice* registered nurse ~~practitioner~~ service scholarship program.

15 Sec. 34. {On January 1, 2012,} K.S.A. 74-32,132 is hereby amended to  
16 read as follows: 74-32,132. As used in this act:

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

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

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

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

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

30 Sec. 35. {On January 1, 2012,} K.S.A. 74-32,133 is hereby amended to  
31 read as follows: 74-32,133. (a) There is hereby established the advanced  
32 *practice* registered nurse ~~practitioner~~ service scholarship program. Within the  
33 limits of appropriations therefor, a scholarship may be awarded under the  
34 program to any qualified student enrolled in or admitted to an educational and  
35 training program for advanced *practice* registered ~~nurses. nurse practitioners.~~  
36 The number of scholarships awarded under the program in any year shall not  
37 exceed 12.

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

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

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

19 Sec. 36. {**January 1, 2012,**} K.S.A. 74-32,134 is hereby amended to read  
 20 as follows: 74-32,134. (a) An applicant for a scholarship under the advanced  
 21 *practice* registered nurse ~~practitioner~~ service scholarship program shall  
 22 provide to the executive officer, on forms supplied by the executive officer, the  
 23 following information:

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

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

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

36 (2) within six months after graduation from the educational and training  
 37 program for advanced *practice* registered ~~nurses~~ ~~nurse practitioners~~,  
 38 commence full-time practice as an advanced *practice* registered nurse  
 39 ~~practitioner~~, or commence the equivalent to full-time practice, or commence  
 40 part-time practice as an advanced *practice* registered nurse ~~practitioner~~, in a  
 41 rural area or a medically underserved area, continue such practice for the total  
 42 amount of time required under the agreement, and comply with such other  
 43 terms and conditions as may be specified by the agreement;

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

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

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

21 Sec. 37. {**On January 1, 2012,**} K.S.A. 74-32,135 is hereby amended to  
22 read as follows: 74-32,135. (a) Except as provided in K.S.A. 74-32,136, and  
23 amendments thereto, upon the failure of any person to satisfy the obligation  
24 under any agreement entered into pursuant to this act, such person shall pay to  
25 the executive officer an amount equal to the total amount of money received  
26 by such person pursuant to such agreement which is financed by the state of  
27 Kansas plus accrued interest at a rate which is equivalent to the interest rate  
28 applicable to loans made under the federal PLUS program at the time such  
29 person first entered into an agreement plus five percentage points. Installment  
30 payments of such amounts may be made in accordance with rules and  
31 regulations of the state board of regents, except that such installment payments  
32 shall commence six months after the date of the action or circumstances that  
33 cause the failure of the person to satisfy the obligations of such agreements, as  
34 determined by the executive officer based upon the circumstances of each  
35 individual case. Amounts paid under this section to the executive officer shall  
36 be deposited in the advanced *practice* registered nurse ~~practitioner~~ service  
37 scholarship program fund in accordance with K.S.A. 74-32,138, and  
38 amendments thereto.

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

1 Sec. 38. {On January 1, 2012,} K.S.A. 74-32,136 is hereby amended to  
2 read as follows: 74-32,136. (a) An obligation under any agreement entered into  
3 under the advanced *practice* registered nurse ~~practitioner~~ service scholarship  
4 program shall be postponed: (1) During any required period of active military  
5 service; (2) during any period of service in the peace corps; (3) during any  
6 period of service as a part of volunteers in service to America (VISTA); (4)  
7 during any period of service commitment to the United States public health  
8 service; (5) during any period of religious missionary work conducted by an  
9 organization exempt from tax under section 501(c)(3) of the federal internal  
10 revenue code as in effect on December 31, 2000; (6) during any period of time  
11 the person obligated is unable because of temporary medical disability to  
12 practice as an advanced *practice* registered nurse ~~practitioner~~; (7) during any  
13 period of time the person obligated is enrolled and actively engaged on a full-  
14 time basis in a course of study leading to a graduate degree in a field for which  
15 such person was awarded a scholarship under this act which degree is higher  
16 than that formerly attained; (8) during any period of time the person obligated  
17 is on job-protected leave under the federal family and medical leave act of  
18 1993; or (9) during any period of time the state board of regents determines  
19 that the person obligated is unable because of special circumstances to practice  
20 as an advanced *practice* registered nurse ~~practitioner~~. Except for clauses (6),  
21 (8) and (9), an obligation under any agreement entered into as provided in the  
22 advanced *practice* registered nurse ~~practitioner~~ service scholarship program  
23 shall not be postponed more than five years from the time the obligation was  
24 to have been commenced under any such agreement. An obligation under any  
25 agreement as provided in the advanced *practice* registered nurse ~~practitioner~~  
26 service scholarship program shall be postponed under clause (6) during the  
27 period of time the medical disability exists. An obligation to engage in practice  
28 as an advanced *practice* registered nurse ~~practitioner~~ in accordance with an  
29 agreement under the advanced *practice* registered nurse ~~practitioner~~ service  
30 scholarship program shall be postponed under clause (8) during the period of  
31 time the person obligated remains on FMLA leave. An obligation to engage in  
32 practice as an advanced *practice* registered nurse ~~practitioner~~ in accordance  
33 with an agreement under the advanced *practice* registered nurse ~~practitioner~~  
34 service scholarship program shall be postponed under clause (9) during the  
35 period of time the state board of regents determines that the special  
36 circumstances exist. The state board of regents shall adopt rules and  
37 regulations prescribing criteria or guidelines for determination of the existence  
38 of special circumstances causing an inability to practice as an advanced  
39 *practice* registered nurse ~~practitioner~~, and shall determine the documentation  
40 required to prove the existence of such circumstances.

41 (b) An obligation under any agreement entered into in accordance with  
42 the advanced *practice* registered nurse ~~practitioner~~ service scholarship  
43 program shall be satisfied: (1) If the obligation has been completed in

1 accordance with the agreement; (2) if the person obligated dies; (3) if, because  
2 of permanent physical disability, the person obligated is unable to satisfy the  
3 obligation; (4) if the person obligated fails to satisfy the requirements for  
4 completion of the educational and training program after making the best  
5 effort possible to do so; or (5) if the person obligated is unable to obtain  
6 employment as an advanced *practice* registered nurse ~~practitioner~~ and  
7 continue in such employment after making the best effort possible to do so.

8 Sec. 39. **{On January 1, 2012,}** K.S.A. 74-32,137 is hereby amended to  
9 read as follows: 74-32,137. The state board of regents, after consultation with  
10 the committee, may adopt rules and regulations establishing minimum terms,  
11 conditions and obligations which shall be incorporated into the provisions of  
12 any agreement under the advanced *practice* registered nurse ~~practitioner~~-  
13 service scholarship program. The terms, conditions and obligations shall be  
14 consistent with the provisions of law relating to the advanced *practice*  
15 registered nurse ~~practitioner~~ service scholarship program. The terms,  
16 conditions and obligations so established shall include, but not be limited to,  
17 the terms of eligibility for financial assistance under the advanced *practice*  
18 registered nurse ~~practitioner~~ service scholarship program, the amount of  
19 financial assistance to be offered, the length of practice in a rural area or  
20 medically underserved area required as a condition to the receipt of such  
21 financial assistance to be offered, the amount of money required to be repaid  
22 because of failure to satisfy the obligations under an agreement and the  
23 method of repayment and such other additional provisions as may be  
24 necessary to carry out the provisions of the advanced *practice* registered nurse  
25 ~~practitioner~~ service scholarship program. The state board of regents, after  
26 consultation with the committee, shall adopt rules and regulations establishing  
27 criteria for evaluating the financial need of applicants for scholarships and  
28 may adopt such other rules and regulations as may be necessary to administer  
29 the advanced *practice* registered nurse ~~practitioner~~ service scholarship  
30 program.

31 Sec. 40. **{On January 1, 2012,}** K.S.A. 74-32,138 is hereby amended to  
32 read as follows: 74-32,138. There is hereby created in the state treasury the  
33 advanced *practice* registered nurse ~~practitioner~~ service scholarship program  
34 fund. The executive officer shall remit all moneys received under this act to  
35 the state treasurer in accordance with the provisions of K.S.A. 75-4215, and  
36 amendments thereto. Upon receipt of each such remittance the state treasurer  
37 shall deposit the entire amount in the state treasury to the credit of the  
38 advanced *practice* registered nurse ~~practitioner~~ service scholarship program  
39 fund. All expenditures from the advanced *practice* registered nurse ~~practitioner~~  
40 service scholarship program fund shall be for scholarships awarded under this  
41 act and shall be made in accordance with appropriation acts upon warrants of  
42 the director of accounts and reports issued pursuant to vouchers approved by  
43 the executive officer or by a person designated by the executive officer.

1       {Sec. 41. K.S.A. 2010 Supp. 65-1117 is hereby amended to read as  
2 follows: 65-1117. (a) All licenses issued under the provisions of this act,  
3 whether initial or renewal, shall expire every two years. The expiration  
4 date shall be established by the rules and regulations of the board. The  
5 board shall send a notice for renewal of license to every registered  
6 professional nurse and licensed practical nurse at least 60 days prior to  
7 the expiration date of such person's license. Every person so licensed who  
8 desires to renew such license shall file with the board, on or before the  
9 date of expiration of such license, a renewal application together with the  
10 prescribed biennial renewal fee. Every licensee who is no longer engaged  
11 in the active practice of nursing may so state by affidavit and submit such  
12 affidavit with the renewal application. An inactive license may be  
13 requested along with payment of a fee which shall be fixed by rules and  
14 regulations of the board. Except for the first renewal for a license that  
15 expires within 30 months following licensure examination or for renewal  
16 of a license that expires within the first nine months following licensure by  
17 reinstatement or endorsement, every licensee with an active nursing  
18 license shall submit with the renewal application evidence of satisfactory  
19 completion of a program of continuing nursing education required by the  
20 board. The board by duly adopted rules and regulations shall establish  
21 the requirements for such program of continuing nursing education.  
22 Continuing nursing education means learning experiences intended to  
23 build upon the educational and experiential bases of the registered  
24 professional and licensed practical nurse for the enhancement of practice,  
25 education, administration, research or theory development to the end of  
26 improving the health of the public. Upon receipt of such application,  
27 payment of fee, upon receipt of the evidence of satisfactory completion of  
28 the required program of continuing nursing education and upon being  
29 satisfied that the applicant meets the requirements set forth in K.S.A. 65-  
30 1115 or 65-1116 and amendments thereto in effect at the time of initial  
31 licensure of the applicant, the board shall verify the accuracy of the  
32 application and grant a renewal license.

33       (b) Any person who fails to secure a renewal license within the time  
34 specified herein may secure a reinstatement of such lapsed license by  
35 making verified application therefor on a form provided by the board, by  
36 rules and regulations, and upon furnishing proof that the applicant is  
37 competent and qualified to act as a registered professional nurse or  
38 licensed practical nurse and by satisfying all of the requirements for  
39 reinstatement including payment to the board of a reinstatement fee as  
40 established by the board. A reinstatement application for licensure will be  
41 held awaiting completion of such documentation as may be required, but  
42 such application shall not be held for a period of time in excess of that  
43 specified in rules and regulations.



1 (c) Any person whose license as a registered professional nurse has  
2 lapsed for a period of more than five years beyond its expiration date and who  
3 has been employed for at least four of the last five years in an allied health  
4 profession which employment required substantially comparable patient care  
5 to that of care provided by a registered professional nurse may apply for  
6 reinstatement as a registered professional nurse and shall not be required to  
7 complete a refresher course as established by the board, but shall be  
8 reinstated as a registered professional nurse by the board upon application to  
9 the board for reinstatement of such license on a form provided by the board,  
10 upon presentation to the board of an affidavit from such person detailing such  
11 person's work history, upon determination by the board that the work history  
12 with regard to patient care is substantially comparable to patient care  
13 provided by a registered professional nurse, upon determination by the board  
14 that such person is otherwise qualified to be licensed as a registered  
15 professional nurse and upon paying to the board the reinstatement fee  
16 established by the board.

17 (d) (1) Each licensee shall notify the board in writing of (A) a change  
18 in name or address within 30 days of the change or (B) a conviction of any  
19 felony or misdemeanor, that is specified in rules and regulations adopted  
20 by the board, within 30 days from the date the conviction becomes final.

21 (2) As used in this subsection, "conviction" means a final conviction  
22 without regard to whether the sentence was suspended or probation  
23 granted after such conviction. Also, for the purposes of this subsection, a  
24 forfeiture of bail, bond or collateral deposited to secure a defendant's  
25 appearance in court, which forfeiture has not been vacated, shall be  
26 equivalent to a conviction. Failure to so notify the board shall not  
27 constitute a defense in an action relating to failure to renew a license, nor  
28 shall it constitute a defense in any other proceeding.}}

29 {Sec. 42. K.S.A. 2010 Supp. 65-1117 is hereby repealed.}

30 Sec. ~~41-43.~~ {On January 1, 2012,} K.S.A. 40-2250, 65-1113, 65-1114,  
31 65-1118, 65-1120, 65-1122, 65-1130, 65-1131, 65-1133, 65-1154, 65-1163, 74-  
32 32,131, 74-32,132, 74-32,133, 74-32,134, 74-32,135, 74-32,136, 74-32,137  
33 and 74-32,138 and K.S.A. 2010 Supp. 8-1,125, 39-7,119, 40-2,111, 65-468,  
34 65-1132, 65-1626, 65-1626d, 65-2921, 65-4101, 65-5402, 65-6112, 65-6119,  
35 65-6120, 65-6121, 65-6123, 65-6124, 65-6129c, 65-6135, 65-6144, 72-5213,  
36 72-8252 and 74-1106 are hereby repealed.

37 Sec. ~~42-44.~~ This act shall take effect and be in force from and after  
38 ~~January 1, 2012,~~ and its publication in the statute book {Kansas register}.