# BOARD OF NURSING

FY 2022 – FY 2025 BUDGET ANALYSIS

			FIGURE 1								
BUDGET OVERVIEW, FY 2022 – FY 2025											
	Actual	Agency	Governor	Agency	Governor	Agency	Governor				
	FY 2022	FY 2023	FY 2023	FY 2024	FY 2024	FY 2025	FY 2025				
Operating Expenditures											
State General Fund	\$-	\$-	\$-	\$-	\$-	\$-	\$-				
Federal Funds							-				
All Other Funds	3,381,192	3,678,993	3,678,993	4,006,524	4,006,524	3,947,121	3,947,121				
Subtotal	\$ 3,381,192	\$ 3,678,993	\$3,678,993	\$ 4,006,524	\$4,006,524	\$ 3,947,121	\$ 3,947,121				
Capital Improvements:											
State General Fund	\$-	\$-	\$-	\$-	\$-	\$-	\$-				
Federal Funds	-	-	-	-	-	-	-				
All Other Funds											
Subtotal	\$ -	\$ -	\$ -	\$ -	\$-	\$-	\$ -				
TOTAL	\$ 3,381,192	\$ 3,678,993	\$ 3,678,993	\$4,006,524	\$4,006,524	\$ 3,947,121	\$ 3,947,121				
Percentage Change:											
State General Fund											
All Funds	9.9 %	8.8 %	8.8 %	8.9 %	8.9 %	(1.5) %	(1.5) %				
FTE Positions	27.0	27.0	27.0	27.0	27.0	27.0	27.0				

For purposes of this analysis, full-time equivalent (FTE) positions include non-FTE permanent unclassified positions but continue to exclude temporary employees. FTE positions reflect permanent state positions equating to a 40-hour work week.

The Board of Nursing was created in 1913 to regulate the practice of nursing by maintaining licensure of covered classes, surveying schools, and conducting disciplinary activities. The Board consists of 11 members appointed by the Governor, each serving a 4-year term. As required by law, six Board members are registered professional nurses; two are licensed practical nurses; and three are members of the public. The following three divisions assist in facilitating the responsibilities of the agency.

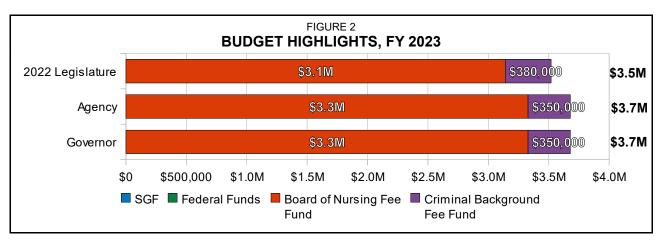
**LICENSING DIVISION.** The Board's Licensing Division evaluates nursing schools and maintains the licensure of practical nurses, registered nurses, advanced practice registered nurses, registered nurse anesthetists, and mental health technicians.

**EDUCATION DIVISION.** The Board's Education Division is tasked with developing stronger ties with professional organizations and nurses across Kansas by providing staff for speaking engagements, setting up information booths at conventions, and conducting presentations about nursing regulation to nursing students. In addition, the Board is responsible for reviewing and approving continuing education providers and programs for its licensees and accredits schools that meet the Board's rules and regulations.

**LEGAL DIVISION.** The Board's Legal Division investigates complaints concerning unlawful practices and may, after hearings, suspend or revoke a practitioner's license. The Board also may discipline licensees who violate the Kansas Nurse Practice Act by classifying the violation, investigating actionable categories, and disposing of cases accordingly.

#### EXECUTIVE SUMMARY

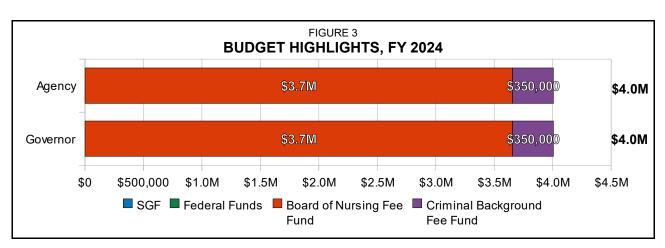
The 2022 Legislature approved a budget of \$3.5 million, all from special revenue funds, in expenditures and 27.0 FTE positions for the Board of Nursing in FY 2023.



The **agency** submits a revised estimate of \$3.7 million, all from special revenue funds, in expenditures and 27.0 FTE positions in FY 2023. This is an increase of \$159,083, or 4.7 percent, above the FY 2023 approved amount.

Significant items in the agency estimate include the following:

- SOFTWARE UPGRADE. The agency is requesting an additional \$189,083 to upgrade licensing software and purchase software to process Kansas Open Records Act requests more efficiently.
- **CRIMINAL BACKGROUND FEE FUND.** The agency decreased expenditures from the Criminal Background Fee Fund by \$30,000 due to an anticipated decrease in the number of graduates seeking licensure.



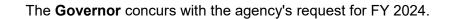
The **Governor** concurs with the agency's revised estimate in FY 2023.

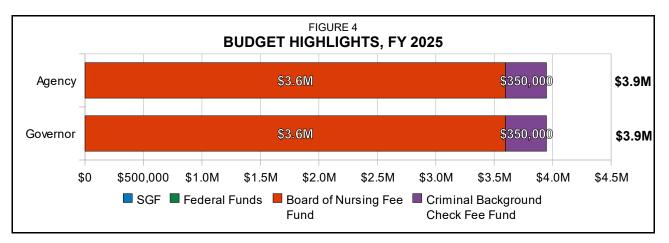
The **agency** requests \$4.0 million, all from special revenue funds, in expenditures and 27.0 FTE positions for FY 2024. This is an increase of \$327,531, or 8.9 percent, above the agency's FY 2023 revised estimate.

Significant items in the agency request include the following:

• LICENSING SOFTWARE UPGRADE. The FY 2024 budget includes expenditures to implement Phase 2 of the agency's three-year IT plan, which includes a transition to the MyLicense Platform. This upgraded platform will include increased security measures to

protect licensee's data, allow staff and public users to effectively access the system with any device, and provide increased access to real-time data and reports.





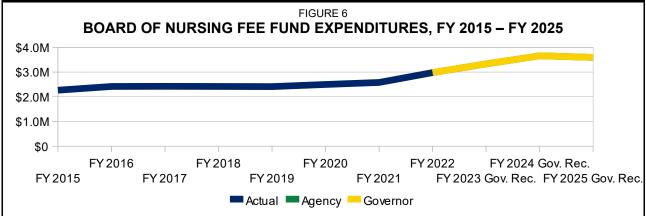
The **agency** requests \$3.9 million, all special revenue funds, in expenditures and 27.0 FTE positions for FY 2025. This is a decrease of \$59,403, or 1.5 percent, below the agency's FY 2024 request. The decrease is largely due to one-time expenditures in FY 2024 for software upgrades that do not reoccur for FY 2025, partially offset by subscription fees for the licensing software.

The **Governor** concurs with the agency's request for FY 2025.

## **EXPENDITURES AND FINANCING**

FIGURE 5 BUDGET SUMMARY BY CATEGORY OF EXPENDITURE, FY 2022 – FY 2025									
BUDGET S						22 – FY 202	25		
	Actual FY 2022	Agency FY 2023	Governor FY 2023	Agency FY 2024	Governor FY 2024	Agency FY 2025	Governor FY 2025		
Category of Expenditur	e:								
Salaries and Wages	\$ 1,695,056	\$ 2,163,038	\$2,163,038	\$2,177,399	\$2,177,399	\$2,204,691	\$2,204,691		
Contractual Services	1,438,374	1,447,005	1,447,005	1,707,525	1,707,525	1,618,630	1,618,630		
Commodities	14,581	18,550	18,550	18,600	18,600	18,700	18,700		
Capital Outlay	233,181	50,400	50,400	103,000	103,000	105,100	105,100		
Debt Service Interest									
Subtotal	\$ 3,381,192	\$ 3,678,993	\$3,678,993	\$ 4,006,524	\$ 4,006,524	\$ 3,947,121	\$ 3,947,121		
Aid to Local Units	-	-	-	-	-	-	-		
Other Assistance									
Subtotal–Operating	\$ 3,381,192	\$ 3,678,993	\$ 3,678,993	\$ 4,006,524	\$ 4,006,524	\$ 3,947,121	\$ 3,947,121		
Capital Improvements	-	-	-	-	-	-	-		
Debt Service Principal						-			
TOTAL	\$ 3,381,192	\$ 3,678,993	\$ 3,678,993	\$ 4,006,524	\$4,006,524	\$ 3,947,121	\$ 3,947,121		
Financing:									
State General Fund	\$-	\$-	\$-	\$-	\$-	\$-	\$-		
Board of Nursing Fee Fund	2,981,192	3,328,993	3,328,993	3,656,524	3,656,524	3,597,121	3,597,121		
Criminal Background Fee Fund	400,000	350,000	350,000	350,000	350,000	350,000	350,000		
All Other Funds									
TOTAL	\$ 3,381,192	\$ 3,678,993	\$ 3,678,993	\$ 4,006,524	\$4,006,524	\$ 3,947,121	\$ 3,947,121		
FTE Positions	27.0	27.0	27.0	27.0	27.0	27.0	27.0		

#### **BOARD OF NURSING FEE FUND**

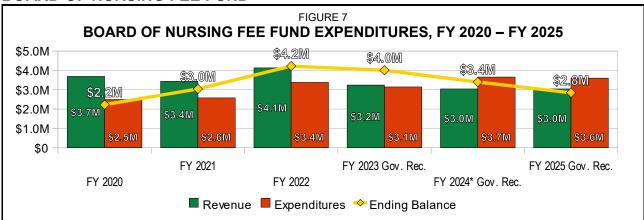


The Board is responsible for examining, licensing, and renewing licenses of qualified nurse applicants and conducting hearings upon charges for limitation, suspension, or revocation of a license. According to KSA 74-1108, the executive administrator of the Board can levy fees, charges, or penalties for these services. KSA 74-1106 authorizes the Board of Nursing to apply for and receive grant funds, as well as receive donations, bequests, and gifts. KSA 75-3170a(a) provides that 90.0 percent of incoming revenues are retained by the agency and 10.0 percent is deposited into the State General Fund (SGF), up to a maximum of \$100,000 per fiscal year per fund.

The 2017 Legislature approved transfers of \$36,000 in FY 2018 and \$37,000 for FY 2019 from the Board of Nursing Fee Fund to the Board of Pharmacy, as part of a multi-agency agreement to share costs associated with K-TRACS (the State's prescription drug monitoring program). The 2019 Legislature approved transfers of \$103,500 for FY 2020 and FY 2021 from the Board of

Nursing Fee Fund to the Board of Pharmacy, as part of a multi-agency plan to provide new funding for K-TRACS. The 2020 Legislature deleted the transfer of \$103,500 from the Board of Nursing Fee Fund to the Board of Pharmacy for K-TRACS in FY 2021.





<sup>\*</sup> For FY 2024, the lowest month ending balance for the Board of Nursing Fee Fund will occur in July, with a balance of \$3.0 million.

Board of Nursing Fee Fund Ending balance is anticipated to decrease by \$211,943 from FY 2022 to FY 2023. Both revenues and expenditures are anticipated to decrease between these two fiscal years with the revenues continuing to decrease through FY 2025 due to more states joining the Nurse Licensure Compact and the agency losing licensure renewals from nurses residing in those states.

FIGURE 8 LICENSURE FEES, FY 2023										
License Current Fee Statutory Limit Authority										
Advanced Practice Registered Nurse	\$	50	\$	50	KSA 65-1118					
Registered Nurse Anesthetist		75		75	KSA 65-1118					
Registered Nurse (single state)		100	1	50	KSA 65-1118					
Registered Nurse (multi-state)		125	3	00	KSA 65-1118					
Practical Nurse (single state)		75	1	00	KSA 65-1118					
Practical Nurse (multi-state)		125	3	00	KSA 65-1118					
Mental Health Technician		50		50	KSA 65-4208					

### FY 2023 ANALYSIS

FIGURE 9 SUMMARY OF BUDGET REQUEST, FY 2023											
	SGF		Spe	ecial Revenue Funds		All Funds	FTE				
Legislative Approved: Amount Approved by 2022 Legislature 1. No changes	\$	-	\$	3,519,910 -	\$	3,519,910 -	27.0 				
Subtotal–Legislative Approved	\$	-	\$	3,519,910	\$	3,519,910	27.0				
Agency Revised Estimate: 2. Supplemental – Licensing Software Upgrade	\$	-	\$	189,083	\$	189,083					
3. Criminal Background Fee Fund Decrease		-		(30,000)		(30,000)					
Subtotal–Agency Revised Estimate	\$	-	\$	3,678,993	\$	3,678,993	27.0				
Governor's Recommendation: 4. No Changes		-		-		-					
TOTAL	\$	-	\$	3,678,993	\$	3,678,993	27.0				

#### LEGISLATIVE APPROVED

1. Subsequent to the 2022 Session, no adjustments were made to the \$3.5 million appropriated to the Board of Nursing for FY 2023.

#### AGENCY ESTIMATE

The **agency** requests a revised estimate of \$3.7 million, all from special revenue funds, in expenditures and 27.0 FTE positions in FY 2023. This is an increase of \$159,083, or 4.7 percent, above the FY 2023 approved amount.

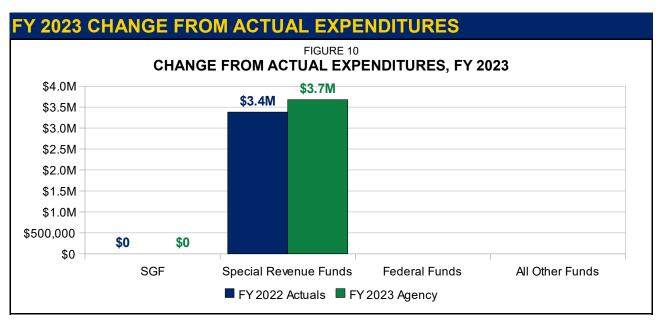
The **agency** request includes the following adjustments:

- SUPPLEMENTAL LICENSING SOFTWARE UPGRADE. This supplemental request is to implement phase one of the agency's 2022-2025 strategic plan, including the three-year IT plan to upgrade licensing software and software to process Kansas Open Records Act requests more efficiently.
- 3. **CRIMINAL BACKGROUND FEE FUND DECREASE.** The amount from the Criminal Background Fee Fund was reduced due to a decrease in the number of admissions into nursing programs, an anticipated increase in retirements and nurses leaving the field, and more states being expected to enter the Nursing Licensure Compact, all of which lead to fewer graduates seeking licensure.

#### GOVERNOR'S RECOMMENDATION

The Governor concurs with the agency's revised request in FY 2023.

4. **NO CHANGES.** The Governor did not recommend any changes to the agency's FY 2023 revised estimate.



The **agency** estimates revised expenditures of \$3.7 million, all from special revenue funds, in FY 2023. This is an increase of \$297,801, or 8.8 percent, above the FY 2022 actual expenditures. This is due to the agency spending \$60,094 less than the approved amount in FY 2022, as well as increased expenditures for salaries and wages and employer contributions to group health insurance.

## **FY 2024 ANALYSIS**

FIGURE 11 SUMMARY OF BUDGET REQUEST, FY 2024											
Special Revenue SGF Funds All Fund								All Funds	FTE		
Agency Revised Estimate, FY 2023:		\$		-	\$	3,678,993	\$	3,678,993	27.0		
Agency Request: 1. Three-year IT Plan Software 2. Three-year IT Plan Hardware 3. All Other Adjustments <i>Subtotal–Agency Request</i>	1	\$		- - -	\$	260,520 52,600 14,411 4,006,524		260,520 52,600 14,411 <i>4,006,524</i>	  27.0		
Governor's Recommendation: 4. No Changes TOTAL		\$ \$		-	\$ \$	4,006,524	\$ <b>\$</b>	4,006,524	 27.0		

#### AGENCY REQUEST

The **agency** requests \$4.0 million, all from special revenue funds, for expenditures and 27.0 FTE positions for FY 2024. This is an increase of \$327,531, or 8.9 percent, which is largely attributable to an increase in contractual services expenditures for phase 2 of the agency's licensing software upgrade.

The **agency** request includes the following adjustments:

- THREE-YEAR IT PLAN SOFTWARE. The FY 2024 budget includes expenditures to implement phase 2 of the three-year IT plan. Increased contractual expenditures will fund a transition to the MyLicense Platform. This upgraded platform will include increased security measures to protect licensee's data, allow staff and public users to effectively access the system with any device, and provide increased access to realtime data and reports.
- 2. **THREE-YEAR IT PLAN HARDWARE.** The FY 2024 budget includes increased capital outlay expenditures for personal computer hardware and support associated with the upgraded licensing software.
- 3. **OTHER ADJUSTMENTS.** This increase is largely due to increased expenditures in the category of salaries and wages for employer contributions to group health insurance.

#### **GOVERNOR'S RECOMMENDATION**

The **Governor** concurs with the agency's request for FY 2024.

4. **NO CHANGES.** The Governor did not recommend any changes to the agency's request for FY 2024.

### FY 2025 ANALYSIS

FIGURE 12 SUMMARY OF BUDGET REQUEST, FY 2025											
	SGF		Spe		All Funds	FTE					
Agency Request, FY 2025:	\$	-	\$	4,006,524	\$	4,006,524	27.0				
Agency Request:1. Contractual Services Adjustments12. Salaries and Wages Adjustments3. All Other AdjustmentsSubtotal–Agency Request	\$ 	- - - -	\$	(88,895) 27,292 2,200 3,947,121		(88,895) 27,292 2,200 3,947,121	  				
Governor's Recommendation: 4. No Changes TOTAL	\$ <b>\$</b>		\$ <b>\$</b>		\$ <b>\$</b>	3,947,121	 27.0				

#### AGENCY REQUEST

The **agency** requests \$3.9 million, all from special revenue funds, for expenditures and 27.0 FTE positions for FY 2025. This is a decrease of \$59,403, or 1.5 percent, below the agency's FY 2024 request. The decrease is largely due to one-time expenditures in FY 2024 for software upgrades that do not reoccur for FY 2025, partially offset by subscription fees for the licensing software.

The **agency** request includes the following adjustments:

- 1. **CONTRACTUAL SERVICES ADJUSTMENTS.** This decrease is due to one-time expenditures in FY 2024 for software upgrades that do not reoccur for FY 2025, partially offset by subscription fees for the licensing software and a total software and cloud expenditures for ArkCase, the software utilized for Kansas Open Records Act requests.
- 2. **SALARY AND WAGES ADJUSTMENTS.** This category includes increased expenditures for employer contributions to group health insurance.
- 3. **OTHER ADJUSTMENTS.** This increase is largely due to software expenditures.

#### **GOVERNOR'S RECOMMENDATION**

The Governor concurs with the agency's request for FY 2025.

4. **NO CHANGES.** The Governor did not recommend any changes to the agency's request for FY 2025.

### SUPPLEMENTAL REQUESTS LICENSING SOFTWARE UPGRADE AND ARKCASE SOFTWARE

The agency requests \$189,083, all from special revenue funds, for licensing software and new software to process Kansas Open Records requests for FY 2023.

SUPPLEMENTAL REQUEST								
Item	Nursing Board SGF Fee Fund All Funds FTE							
Licensing Software Upgrade and ArkCase Software	\$		- \$	189,083	\$	189,083	-	

This supplemental package will be used to fund two projects: a licensing software upgrade and the addition of ArkCase software.

**LICENSING SOFTWARE UPGRADE.** These funds will be used to upgrade current software to be more compatible for the increasing number of applicants who are applying for licensure using mobile devices and to prepare for a multi-phased upgrade approach. The upgrades taking place in FY 2023 are the first phase of a three-year IT upgrade and will include:

- Reinforced application security to ensure protection against security threats;
- Work flow integration with initial and renewal applications to ensure the correct user receives tasks in an accurate and timely manner;
- Improving performance of high-traffic areas to streamline the process for users and allow staff to complete work faster and decrease average application and enforcement processing times; and
- Allowing the agency increased visibility of data and reports and allow increased project management oversight.

**ARKCASE SOFTWARE.** ArkCase software will assist the agency in processing and remaining in compliance with an increasing number of requests through the Kansas Open Records Act (KORA). According to the agency, the new software will allow for requests to be easily tracked and managed through all steps of the process.

The total cost of these projects combined in FY 2023 is \$277,897, however the agency is able to cover \$88,814 with existing resources.

#### The Governor recommends the adoption of this request.

#### SPECIAL TOPICS NURSING LICENSURE COMPACT AND K-TRACS

#### NURSING LICENSURE COMPACT

The 2018 Legislature passed HB 2496, which established provisions for the implementation of the Nursing Licensure Compact. This classified the traditional license for professional nurses and practice nurses as a single-state license and created a new category of licensure for multi-state applicants.

The bill also increased the statutory limit for the application fee for a professional nurse license from \$75 to \$150, the application fee for a practice nurse license from \$50 to \$100, and the biennial license renewal fee for professional nurses and practical nurses from \$60 to \$120. In addition, it increased the statutory limit for license reinstatement fees from \$70 to \$150, and increased the statutory limit on the license reinstatement fee for a temporary permit from \$100 to \$175. In addition, the bill set the statutory limit for a multi-state license application fee for a professional nurse or practice nurse at \$300, set the statutory limit for the biennial renewal fee for a multi-state license for professional nurses and practical nurses at \$200, and set the statutory limits for reinstatement fees for multistate licenses and multistate licenses with temporary permits at \$300.

#### K-TRACS

K-TRACS is the prescription drug monitoring program for the State of Kansas. Established by KSA 65-1683, it is used by prescribers and pharmacists to promote patient safety through prevention of prescription drug misuse, abuse, and diversion. Pharmacies are required to report the controlled substances and other drugs of concern they dispense to K-TRACS on a daily basis.

K-TRACS is administered by the Board of Pharmacy, but the Board of Nursing has provided funding through a transfer from the Board of Nursing Fee Fund. Recent budgetary adjustments include:

- The 2017 Legislature approved transfers of \$36,000 in FY 2018 and \$37,000 for FY 2019 from the Board of Nursing Fee Fund to the Board of Pharmacy, as part of a multi-agency agreement to share costs associated with K-TRACS.
- The 2019 Legislature approved transfers of \$103,500 for FY 2020 and FY 2021 from the Board of Nursing Fee Fund to the Board of Pharmacy, as part of a multi-agency plan to provide new funding for K-TRACS.
- The 2020 Legislature deleted the approved transfer of \$103,500 from the Board of Nursing Fee Fund to the Board of Pharmacy for K-TRACS in FY 2021.
- The 2021 Legislature approved a budget that includes a transfer of \$70,000 from the Board of Nursing Fee Fund to the Board of Pharmacy for K-TRACS in both FY 2022 and FY 2023.

The 2021 Legislature passed HB 2079, which established the Kansas Fights Addiction Act (KFA) and addresses the use of funds received from opioid litigation. The bill created the Prescription Monitoring Program (PMP) Fund for the purpose of operating the Prescription Monitoring Program (also known as K-TRACS). The bill requires that, as long as sufficient funds are available, \$200,000 will be transferred from the KFA Fund to the PMP Fund. At this time, there are no further planned transfers from the Board of Nursing Fee Fund to aid in the operation of K-TRACS.

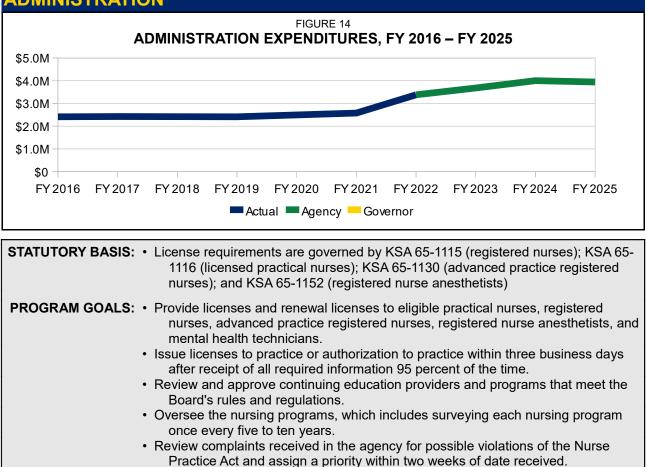
# PROGRAM AND PERFORMANCE MEASURES OVERVIEW

EXPEN	FIGURE 13 EXPENDITURES AND FTE POSITIONS BY PROGRAM, FY 2022 – FY 2025										
	Actual	Agency	Governor	Agency	Governor	Agency	Governor				
Programs	FY 2022	FY 2023	FY 2023	FY 2024	FY 2024	FY 2025	FY 2025				
Expenditures: Administration	\$ 3,381,192	\$ 3,678,993	\$ 3,678,993	\$ 4,006,524	\$ 4,006,524	\$ 3,947,121	\$ 3,947,121				
FTE Positions: Administration	27.0	27.0	27.0	27.0	27.0	27.0	27.0				

### PERFORMANCE MEASURES

The 2016 Legislature passed HB 2739, which outlined a three-year process for state agencies to develop and implement a system of performance budgeting using outcome measures to evaluate program effectiveness.

# **ADMINISTRATION**



ADMINISTRA	FIGURE 15 ADMINISTRATION, PERFORMANCE MEASURES										
	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024						
Outcome Measure:											
1. Number of investigations open	597	715	897	700	700						
2. Percent of initial applications processed within three business days	99.8 %	99.8 %	100.0 %	95.0 %	95.0 %						
3. Percent of reinstatement licensure applications processed within three business days	100.0 %	100.0 %	94.0 %	95.0 %	95.0 %						
4. Percent of application information entered in licensing software accurately	99.9 %	99.9 %	99.9 %	99.0 %	99.0 %						
5. Percent of investigations completed within nine months of opening the case	29.0 %	48.0 %	48.0 %	55.0 %	60.0 %						
<ol> <li>Number of initial orders, consent orders and evidentiary hearings*</li> </ol>	29	18	72	30	30						
7. Number of denied licenses*	6	10	9	10	10						

	FIGU	RE 15			
ADMINISTR	RATION, PERI	FORMANCE	E MEASURE	S	
	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
8. Percentage of renewal licensure applications processed within 3 business days after receipt of required information*	100.0 %	100.0 %	99.6 %	95.0 %	95.0 %
<ol> <li>Percentage of nursing programs submitting an annual report as per regulation*</li> </ol>	100.0 %	97.0 %	99.0 %	100.0 %	100.0 %
10. Number of Diversion agreements*	20	13	28	25	25
11. Cost per License*	\$8.55	\$6.90	\$8.15	\$6.07	\$7.28
Output Measure:					
12. Total fines deposited in State General Fund for violations of the Nurse Practice Act*	\$17,546	\$2,000	\$17,643	\$15,000	\$15,000
	Actual	Actual		Governor	Governor
Financing	FY 2021	FY 2022		FY 2023	FY 2024
SGF	*	\$-		\$ -	\$ -
Federal Funds	50,006	-		-	-
All Other Funds	3,025,934	3,381,192		4,006,524	3,947,121
TOTAL	<u>\$ 3,075,940</u>	\$ 3,381,192		\$ 4,006,524	\$ 3,947,121
Percentage Change:					
SGF				 10 5 0/	(1 E) 0/
All Funds	4.8 %	9.9 %		18.5 %	(1.5) %
FTE Positions	27.0	27.0		27.0	27.0

\* The Governor's Office does not utilize this measure for evaluation purposes.