

## HOUSE BILL No. 2685

By Committee on Health and Human Services

2-13

1 AN ACT concerning advanced practice registered nurses; amending  
2 K.S.A. 40-4602, 59-2976, 65-1660, 65-2892, 65-4134 and 65-5502  
3 and K.S.A. 2013 Supp. 39-923, 39-1401, 39-1430, 39-1504, 65-468,  
4 65-1113, 65-1130, 65-1626, 65-1682, 65-2837a, 65-2921, 65-4101, 65-  
5 4116, 65-4202, 65-5402, 65-5418, 65-6112, 65-6119, 65-6120, 65-  
6 6121, 65-6123, 65-6124, 65-6144, 65-7003, 65-7302, 72-5213 and 75-  
7 7429 and repealing the existing sections.

8  
9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 2013 Supp. 65-1113 is hereby amended to read as  
11 follows: 65-1113. When used in this act and the act of which this section is  
12 amendatory:

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

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

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

22 (d) *Practice of nursing.* (1) The practice of professional nursing as  
23 performed by a registered professional nurse for compensation or  
24 gratuitously, except as permitted by K.S.A. 65-1124, and amendments  
25 thereto, means the process in which substantial specialized knowledge  
26 derived from the biological, physical, and behavioral sciences is applied  
27 to: the care, diagnosis, treatment, counsel and health teaching of persons  
28 who are experiencing changes in the normal health processes or who  
29 require assistance in the maintenance of health or the prevention or  
30 management of illness, injury or infirmity; administration, supervision or  
31 teaching of the process as defined in this section; and the execution of the  
32 medical regimen as prescribed by a person licensed to practice medicine  
33 and surgery ~~or~~, a person licensed to practice dentistry *or by a person*  
34 *licensed to practice as an advanced practice registered nurse.* (2) The  
35 practice of nursing as a licensed practical nurse means the performance for  
36 compensation or gratuitously, except as permitted by K.S.A. 65-1124, and

1 any amendments thereto, of tasks and responsibilities defined in part (1) of  
2 this subsection (d) which tasks and responsibilities are based on acceptable  
3 educational preparation within the framework of supportive and restorative  
4 care under the direction of a registered professional nurse, a person  
5 licensed to practice medicine and surgery ~~or~~, a person licensed to practice  
6 dentistry *or by a person licensed to practice as an advanced practice*  
7 *registered nurse.*

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

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

12 (g) "Advanced practice registered nurse" or "APRN" means a  
13 professional nurse who holds a license from the board to function as a  
14 professional nurse in an advanced role, and this advanced role shall be  
15 defined by rules and regulations adopted by the board in accordance with  
16 K.S.A. 65-1130, and amendments thereto.

17 Sec. 2. K.S.A. 2013 Supp. 65-1130 is hereby amended to read as  
18 follows: 65-1130. (a) No professional nurse shall announce or represent to  
19 the public that such person is an advanced practice registered nurse unless  
20 such professional nurse has complied with requirements established by the  
21 board and holds a valid license as an advanced practice registered nurse in  
22 accordance with the provisions of this section.

23 (b) *On and after the effective date of this act, to be eligible for an*  
24 *initial advanced practice registered nurse license, an applicant shall hold*  
25 *and maintain a current advanced practice registered nurse certification*  
26 *granted by a national certifying organization recognized by the board*  
27 *whose certification standards are approved by the board as equal to or*  
28 *greater than the corresponding standards established by the board.*

29 (c) The board shall establish standards and requirements for any  
30 professional nurse who desires to obtain licensure as an advanced practice  
31 registered nurse. Such standards and requirements shall include, but not be  
32 limited to, standards and requirements relating to the education of  
33 advanced practice registered nurses. The board may give such  
34 examinations and secure such assistance as it deems necessary to  
35 determine the qualifications of applicants.

36 ~~(e)~~(d) The board shall adopt rules and regulations applicable to  
37 advanced practice registered nurses which:

38 (1) Establish roles and identify titles and abbreviations of advanced  
39 practice registered nurses which are consistent with *advanced* nursing  
40 practice specialties recognized by the nursing profession.

41 (2) Establish education and qualifications necessary for licensure for  
42 each ~~role~~ of advanced practice registered nurse *role* established by the  
43 board at a level adequate to assure the competent performance by

1 advanced practice registered nurses of functions and procedures which  
2 advanced practice registered nurses are authorized to perform. Advanced  
3 practice registered nursing is based on knowledge and skills acquired in  
4 basic nursing education, licensure as a registered nurse and graduation  
5 from or completion of a master's or higher degree in one of the advanced  
6 practice registered nurse roles approved by the board of nursing.

7 (3) Define the role of advanced practice registered nurses and  
8 establish limitations and restrictions on such role. The board shall adopt a  
9 definition of the role under this subsection (c)(3) which is consistent with  
10 the education and qualifications required to obtain a license as an  
11 advanced practice registered nurse, which protects the public from persons  
12 performing functions and procedures as advanced practice registered  
13 nurses for which they lack adequate education and qualifications and  
14 which authorizes advanced practice registered nurses to perform acts  
15 generally recognized by the profession of nursing as capable of being  
16 performed, in a manner consistent with the public health and safety, by  
17 persons with postbasic education in nursing. In defining such role the  
18 board shall consider: (A) The education required for a licensure as an  
19 advanced practice registered nurse; (B) the type of nursing practice and  
20 preparation in specialized advanced practice skills involved in each role of  
21 advanced practice registered nurse established by the board; (C) the scope  
22 and limitations of advanced practice nursing prescribed by national  
23 advanced practice organizations; ~~and~~ (D) acts recognized by the nursing  
24 profession as appropriate to be performed by persons with postbasic  
25 education in nursing; *and (E) the certification standards established by an*  
26 *accredited national organization whose certification standards are*  
27 *approved by the board as equal to or greater than the corresponding*  
28 *standards established under this act for obtaining authorization to*  
29 *practice as an advanced practice registered nurse in the specific role.*

30 (e) *"Treatment" means, when used in conjunction with the practice of*  
31 *an advanced practice registered nurse, planning, diagnosing, ordering*  
32 *and executing of a healthcare plan including, but not limited to,*  
33 *pharmacologic and non-pharmacologic interventions. This term also*  
34 *includes prescribing medical devices and equipment, nutrition, and*  
35 *diagnostic and supportive services including, but not limited to, home*  
36 *health care, hospice, physical and occupational therapy.*

37 (f) *The practice of nursing as an advanced practice registered nurse*  
38 *means the performance for compensation or gratuitously, except as*  
39 *permitted by K.S.A. 65-1124, and amendments thereto, of the process in*  
40 *which advanced knowledge derived from the biological, physical and*  
41 *behavioral sciences is applied to direct and indirect care, including, but*  
42 *not limited to, creating and executing a health care plan; nursing and*  
43 *medical diagnosis, management, treatment and prescribing; administering*

1 *pharmacologic and non-pharmacologic interventions; counseling and*  
2 *health teaching of persons who are experiencing changes in the normal*  
3 *health processes or who require assistance in the maintenance of health;*  
4 *or the prevention or management of illness, injury or infirmity;*  
5 *administration, supervising or teaching within the advanced practice*  
6 *registered nurse's role. Within the role of the advanced practice registered*  
7 *nurse, an advanced practice registered nurse may serve as a primary care*  
8 *provider and lead health care teams.*

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

42 *(h) An advanced practice registered nurse is accountable to patients,*  
43 *the nursing profession and the board for complying with the requirements*

1 of the nurse practice act, and any rules and regulations adopted pursuant  
2 thereto, and is responsible for recognizing limits of knowledge and  
3 experience, planning for the management of situations beyond the  
4 advanced practice registered nurse's expertise and referring patients to  
5 other health care professionals as appropriate.

6 (i) (1) The board by rules and regulations shall establish a program  
7 of transition to full practice for all persons who on and after the effective  
8 date of this act are granted initial licensure as an advanced practice  
9 registered nurse or who have less than 2,000 hours of licensed active  
10 practice as an advanced practice registered nurse in their initial roles.

11 (2) Advanced practice registered nurses who are subject to the  
12 program of transition to full practice shall not prescribe medications  
13 except as provided in this subsection.

14 (3) As part of the program of transition to full practice, an advanced  
15 practice registered nurse shall complete, within two years from the  
16 commencement of the program by the advanced practice registered nurse,  
17 a transition to full practice period of 2,000 hours while maintaining a  
18 collaborative relationship for practice and for prescribing medications  
19 with either a licensed advanced practice registered nurse with full  
20 prescriptive authority under subsection (g) or with a physician. The  
21 advanced practice registered nurse shall engage in the practice of nursing  
22 as an advanced practice registered nurse and may prescribe medications  
23 as part of the collaborative relationship.

24 (4) As part of the program of transition to full practice, the board  
25 shall specify the manner and form in which the advanced practice  
26 registered nurse participating in the program may identify oneself  
27 professionally and to the public.

28 (5) The advanced practice registered nurse shall be responsible for  
29 completing the required documentation for the program of transition to  
30 full practice as specified by the board.

31 (6) Upon the successful completion of the program of transition to  
32 full practice, the board of nursing shall authorize the advanced practice  
33 registered nurse to engage in the practice of advanced practice registered  
34 nursing without the limitations of this subsection and as otherwise  
35 authorized by law.

36 (7) The board may adopt rules and regulations necessary to carry out  
37 the provisions of this subsection.

38 (8) As used in this subsection, "physician" means a person licensed to  
39 practice medicine and surgery.

40 (j) When a provision of law or rule and regulation requires a  
41 signature, certification, verification, affidavit or endorsement by a  
42 physician, that requirement may be fulfilled by a licensed advanced  
43 practice registered nurse working within the scope of practice of such

1 nurse's respective role.

2 (k) *The confidential relations and communications between an*  
3 *advance practice registered nurse and the advance practice registered*  
4 *nurse's patient are placed on the same basis as provided by law as those*  
5 *between a physician and a physician's patient in K.S.A. 60-427, and*  
6 *amendments thereto.*

7 (l) *An advanced practice registered nurse shall maintain malpractice*  
8 *insurance coverage in effect as a condition to rendering professional*  
9 *service as an advanced practice registered nurse in this state and shall*  
10 *provide proof of insurance at time of licensure and renewal of license. The*  
11 *requirements of this subsection shall not apply to an advanced practice*  
12 *registered nurse who practices solely in an employment which results in*  
13 *the advanced practice registered nurse being covered under the federal*  
14 *tort claim act or state tort claims act, or who practices solely as a*  
15 *charitable health care provider under K.S.A. 75-6102, and amendments*  
16 *thereto, or who is serving on active duty in the military service of the*  
17 *United States.*

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

21 ~~(f) A person registered to practice as an advanced registered nurse~~  
22 ~~practitioner in the state of Kansas immediately prior to the effective date of~~  
23 ~~this act shall be deemed to be licensed to practice as an advanced practice~~  
24 ~~registered nurse under this act and such person shall not be required to file~~  
25 ~~an original application for licensure under this act. Any application for~~  
26 ~~registration filed which has not been granted prior to the effective date of~~  
27 ~~this act shall be processed as an application for licensure under this act.~~

28 Sec. 3. K.S.A. 2013 Supp. 39-923 is hereby amended to read as  
29 follows: 39-923. (a) As used in this act:

30 (1) "Adult care home" means any nursing facility, nursing facility for  
31 mental health, intermediate care facility for people with intellectual  
32 disability, assisted living facility, residential health care facility, home plus,  
33 boarding care home and adult day care facility; all of which are  
34 classifications of adult care homes and are required to be licensed by the  
35 secretary of aging.

36 (2) "Nursing facility" means any place or facility operating 24 hours a  
37 day, seven days a week, caring for six or more individuals not related  
38 within the third degree of relationship to the administrator or owner by  
39 blood or marriage and who, due to functional impairments, need skilled  
40 nursing care to compensate for activities of daily living limitations.

41 (3) "Nursing facility for mental health" means any place or facility  
42 operating 24 hours a day, seven days a week, caring for six or more  
43 individuals not related within the third degree of relationship to the

1 administrator or owner by blood or marriage and who, due to functional  
2 impairments, need skilled nursing care and special mental health services  
3 to compensate for activities of daily living limitations.

4 (4) "Intermediate care facility for people with intellectual disability"  
5 means any place or facility operating 24 hours a day, seven days a week,  
6 caring for four or more individuals not related within the third degree of  
7 relationship to the administrator or owner by blood or marriage and who,  
8 due to functional impairments caused by intellectual disability or related  
9 conditions, need services to compensate for activities of daily living  
10 limitations.

11 (5) "Assisted living facility" means any place or facility caring for six  
12 or more individuals not related within the third degree of relationship to  
13 the administrator, operator or owner by blood or marriage and who, by  
14 choice or due to functional impairments, may need personal care and may  
15 need supervised nursing care to compensate for activities of daily living  
16 limitations and in which the place or facility includes apartments for  
17 residents and provides or coordinates a range of services including  
18 personal care or supervised nursing care available 24 hours a day, seven  
19 days a week, for the support of resident independence. The provision of  
20 skilled nursing procedures to a resident in an assisted living facility is not  
21 prohibited by this act. Generally, the skilled services provided in an  
22 assisted living facility shall be provided on an intermittent or limited term  
23 basis, or if limited in scope, a regular basis.

24 (6) "Residential health care facility" means any place or facility, or a  
25 contiguous portion of a place or facility, caring for six or more individuals  
26 not related within the third degree of relationship to the administrator,  
27 operator or owner by blood or marriage and who, by choice or due to  
28 functional impairments, may need personal care and may need supervised  
29 nursing care to compensate for activities of daily living limitations and in  
30 which the place or facility includes individual living units and provides or  
31 coordinates personal care or supervised nursing care available on a 24-  
32 hour, seven-days-a-week basis for the support of resident independence.  
33 The provision of skilled nursing procedures to a resident in a residential  
34 health care facility is not prohibited by this act. Generally, the skilled  
35 services provided in a residential health care facility shall be provided on  
36 an intermittent or limited term basis; or, if limited in scope, a regular basis.

37 (7) "Home plus" means any residence or facility caring for not more  
38 than 12 individuals not related within the third degree of relationship to the  
39 operator or owner by blood or marriage unless the resident in need of care  
40 is approved for placement by the secretary of the department of social and  
41 rehabilitation services, and who, due to functional impairment, needs  
42 personal care and may need supervised nursing care to compensate for  
43 activities of daily living limitations. The level of care provided to residents

1 shall be determined by preparation of the staff and rules and regulations  
2 developed by the department on aging. An adult care home may convert a  
3 portion of one wing of the facility to a not less than five-bed and not more  
4 than 12-bed home plus facility provided that the home plus facility  
5 remains separate from the adult care home, and each facility must remain  
6 contiguous. Any home plus that provides care for more than eight  
7 individuals after the effective date of this act shall adjust staffing personnel  
8 and resources as necessary to meet residents' needs in order to maintain the  
9 current level of nursing care standards. Personnel of any home plus who  
10 provide services for residents with dementia shall be required to take  
11 annual dementia care training.

12 (8) "Boarding care home" means any place or facility operating 24  
13 hours a day, seven days a week, caring for not more than 10 individuals  
14 not related within the third degree of relationship to the operator or owner  
15 by blood or marriage and who, due to functional impairment, need  
16 supervision of activities of daily living but who are ambulatory and  
17 essentially capable of managing their own care and affairs.

18 (9) "Adult day care" means any place or facility operating less than  
19 24 hours a day caring for individuals not related within the third degree of  
20 relationship to the operator or owner by blood or marriage and who, due to  
21 functional impairment, need supervision of or assistance with activities of  
22 daily living.

23 (10) "Place or facility" means a building or any one or more complete  
24 floors of a building, or any one or more complete wings of a building, or  
25 any one or more complete wings and one or more complete floors of a  
26 building, and the term "place or facility" may include multiple buildings.

27 (11) "Skilled nursing care" means services performed by or under the  
28 immediate supervision of a registered professional nurse and additional  
29 licensed nursing personnel. Skilled nursing includes administration of  
30 medications and treatments as prescribed by a licensed physician,  
31 *advanced practice registered nurse* or dentist; and other nursing functions  
32 which require substantial nursing judgment and skill based on the  
33 knowledge and application of scientific principles.

34 (12) "Supervised nursing care" means services provided by or under  
35 the guidance of a licensed nurse with initial direction for nursing  
36 procedures and periodic inspection of the actual act of accomplishing the  
37 procedures; administration of medications and treatments as prescribed by  
38 a licensed physician, *advanced practice registered nurse* or dentist and  
39 assistance of residents with the performance of activities of daily living.

40 (13) "Resident" means all individuals kept, cared for, treated, boarded  
41 or otherwise accommodated in any adult care home.

42 (14) "Person" means any individual, firm, partnership, corporation,  
43 company, association or joint-stock association, and the legal successor



1 thereof.

2 (15) "Operate an adult care home" means to own, lease, establish,  
3 maintain, conduct the affairs of or manage an adult care home, except that  
4 for the purposes of this definition the word "own" and the word "lease"  
5 shall not include hospital districts, cities and counties which hold title to an  
6 adult care home purchased or constructed through the sale of bonds.

7 (16) "Licensing agency" means the secretary of aging.

8 (17) "Skilled nursing home" means a nursing facility.

9 (18) "Intermediate nursing care home" means a nursing facility.

10 (19) "Apartment" means a private unit which includes, but is not  
11 limited to, a toilet room with bathing facilities, a kitchen, sleeping, living  
12 and storage area and a lockable door.

13 (20) "Individual living unit" means a private unit which includes, but  
14 is not limited to, a toilet room with bathing facilities, sleeping, living and  
15 storage area and a lockable door.

16 (21) "Operator" means an individual who operates an assisted living  
17 facility or residential health care facility with fewer than 61 residents, a  
18 home plus or adult day care facility and has completed a course approved  
19 by the secretary of health and environment on principles of assisted living  
20 and has successfully passed an examination approved by the secretary of  
21 health and environment on principles of assisted living and such other  
22 requirements as may be established by the secretary of health and  
23 environment by rules and regulations.

24 (22) "Activities of daily living" means those personal, functional  
25 activities required by an individual for continued well-being, including but  
26 not limited to eating, nutrition, dressing, personal hygiene, mobility and  
27 toileting.

28 (23) "Personal care" means care provided by staff to assist an  
29 individual with, or to perform activities of daily living.

30 (24) "Functional impairment" means an individual has experienced a  
31 decline in physical, mental and psychosocial well-being and as a result, is  
32 unable to compensate for the effects of the decline.

33 (25) "Kitchen" means a food preparation area that includes a sink,  
34 refrigerator and a microwave oven or stove.

35 (26) The term "intermediate personal care home" for purposes of  
36 those individuals applying for or receiving veterans' benefits means  
37 residential health care facility.

38 (27) "Paid nutrition assistant" means an individual who is paid to feed  
39 residents of an adult care home, or who is used under an arrangement with  
40 another agency or organization, who is trained by a person meeting nurse  
41 aide instructor qualifications as prescribed by 42 C.F.R. § 483.152, 42  
42 C.F.R. § 483.160 and paragraph (h) of 42 C.F.R. § 483.35, and who  
43 provides such assistance under the supervision of a registered professional

1 or licensed practical nurse.

2 (28) "Medicaid program" means the Kansas program of medical  
3 assistance for which federal or state moneys, or any combination thereof,  
4 are expended, or any successor federal or state, or both, health insurance  
5 program or waiver granted thereunder.

6 (b) The term "adult care home" shall not include institutions operated  
7 by federal or state governments, except institutions operated by the Kansas  
8 commission on veterans affairs, hospitals or institutions for the treatment  
9 and care of psychiatric patients, child care facilities, maternity centers,  
10 hotels, offices of physicians or hospices which are certified to participate  
11 in the medicare program under 42 code of federal regulations, chapter IV,  
12 section 418.1 et seq., and amendments thereto, and which provide services  
13 only to hospice patients.

14 (c) Nursing facilities in existence on the effective date of this act  
15 changing licensure categories to become residential health care facilities  
16 shall be required to provide private bathing facilities in a minimum of 20%  
17 of the individual living units.

18 (d) Facilities licensed under the adult care home licensure act on the  
19 day immediately preceding the effective date of this act shall continue to  
20 be licensed facilities until the annual renewal date of such license and may  
21 renew such license in the appropriate licensure category under the adult  
22 care home licensure act subject to the payment of fees and other conditions  
23 and limitations of such act.

24 (e) Nursing facilities with less than 60 beds converting a portion of  
25 the facility to residential health care shall have the option of licensing for  
26 residential health care for less than six individuals but not less than 10% of  
27 the total bed count within a contiguous portion of the facility.

28 (f) The licensing agency may by rule and regulation change the name  
29 of the different classes of homes when necessary to avoid confusion in  
30 terminology and the agency may further amend, substitute, change and in a  
31 manner consistent with the definitions established in this section, further  
32 define and identify the specific acts and services which shall fall within the  
33 respective categories of facilities so long as the above categories for adult  
34 care homes are used as guidelines to define and identify the specific acts.

35 Sec. 4. K.S.A. 2013 Supp. 39-1401 is hereby amended to read as  
36 follows: 39-1401. As used in this act:

37 (a) "Resident" means:

38 (1) Any resident, as defined by K.S.A. 39-923, and amendments  
39 thereto; or

40 (2) any individual kept, cared for, treated, boarded or otherwise  
41 accommodated in a medical care facility; or

42 (3) any individual, kept, cared for, treated, boarded or otherwise  
43 accommodated in a state psychiatric hospital or state institution for people

1 with intellectual disability.

2 (b) "Adult care home" has the meaning ascribed thereto in K.S.A. 39-  
3 923, and amendments thereto.

4 (c) "In need of protective services" means that a resident is unable to  
5 perform or obtain services which are necessary to maintain physical or  
6 mental health, or both.

7 (d) "Services which are necessary to maintain physical and mental  
8 health" include, but are not limited to, the provision of medical care for  
9 physical and mental health needs, the relocation of a resident to a facility  
10 or institution able to offer such care, assistance in personal hygiene, food,  
11 clothing, adequately heated and ventilated shelter, protection from health  
12 and safety hazards, protection from maltreatment the result of which  
13 includes, but is not limited to, malnutrition, deprivation of necessities or  
14 physical punishment and transportation necessary to secure any of the  
15 above stated needs, except that this term shall not include taking such  
16 person into custody without consent, except as provided in this act.

17 (e) "Protective services" means services provided by the state or other  
18 governmental agency or any private organizations or individuals which are  
19 necessary to prevent abuse, neglect or exploitation. Such protective  
20 services shall include, but not be limited to, evaluation of the need for  
21 services, assistance in obtaining appropriate social services and assistance  
22 in securing medical and legal services.

23 (f) "Abuse" means any act or failure to act performed intentionally or  
24 recklessly that causes or is likely to cause harm to a resident, including:

25 (1) Infliction of physical or mental injury;

26 (2) any sexual act with a resident when the resident does not consent  
27 or when the other person knows or should know that the resident is  
28 incapable of resisting or declining consent to the sexual act due to mental  
29 deficiency or disease or due to fear of retribution or hardship;

30 (3) unreasonable use of a physical restraint, isolation or medication  
31 that harms or is likely to harm a resident;

32 (4) unreasonable use of a physical or chemical restraint, medication  
33 or isolation as punishment, for convenience, in conflict with a physician's  
34 *or advanced practice registered nurse's* orders or as a substitute for  
35 treatment, except where such conduct or physical restraint is in furtherance  
36 of the health and safety of the resident or another resident;

37 (5) a threat or menacing conduct directed toward a resident that  
38 results or might reasonably be expected to result in fear or emotional or  
39 mental distress to a resident;

40 (6) fiduciary abuse; or

41 (7) omission or deprivation by a caretaker or another person of goods  
42 or services which are necessary to avoid physical or mental harm or  
43 illness.

1 (g) "Neglect" means the failure or omission by one's self, caretaker or  
2 another person with a duty to provide goods or services which are  
3 reasonably necessary to ensure safety and well-being and to avoid physical  
4 or mental harm or illness.

5 (h) "Caretaker" means a person or institution who has assumed the  
6 responsibility, whether legally or not, for the care of the resident  
7 voluntarily, by contract or by order of a court of competent jurisdiction.

8 (i) "Exploitation" means misappropriation of resident property or  
9 intentionally taking unfair advantage of an adult's physical or financial  
10 resources for another individual's personal or financial advantage by the  
11 use of undue influence, coercion, harassment, duress, deception, false  
12 representation or false pretense by a caretaker or another person.

13 (j) "Medical care facility" means a facility licensed under K.S.A. 65-  
14 425 et seq., and amendments thereto, but shall not include, for purposes of  
15 this act, a state psychiatric hospital or state institution for people with  
16 intellectual disability, including Larned state hospital, Osawatomie state  
17 hospital and Rainbow mental health facility, Kansas neurological institute  
18 and Parsons state hospital and training center.

19 (k) "Fiduciary abuse" means a situation in which any person who is  
20 the caretaker of, or who stands in a position of trust to, a resident, takes,  
21 secretes, or appropriates the resident's money or property, to any use or  
22 purpose not in the due and lawful execution of such person's trust.

23 (l) "State psychiatric hospital" means Larned state hospital,  
24 Osawatomie state hospital and Rainbow mental health facility.

25 (m) "State institution for people with intellectual disability" means  
26 Kansas neurological institute and Parsons state hospital and training  
27 center.

28 (n) "Report" means a description or accounting of an incident or  
29 incidents of abuse, neglect or exploitation under this act and for the  
30 purposes of this act shall not include any written assessment or findings.

31 (o) "Law enforcement" means the public office which is vested by  
32 law with the duty to maintain public order, make arrests for crimes and  
33 investigate criminal acts, whether that duty extends to all crimes or is  
34 limited to specific crimes.

35 (p) "Legal representative" means an agent designated in a durable  
36 power of attorney, power of attorney or durable power of attorney for  
37 health care decisions or a court appointed guardian, conservator or trustee.

38 (q) "Financial institution" means any bank, trust company, escrow  
39 company, finance company, saving institution or credit union, chartered  
40 and supervised under state or federal law.

41 (r) "Governmental assistance provider" means an agency, or  
42 employee of such agency, which is funded solely or in part to provide  
43 assistance within the Kansas senior care act, K.S.A. 75-5926 et seq., and

1 amendments thereto, including medicaid and medicare.

2 No person shall be considered to be abused, neglected or exploited or  
3 in need of protective services for the sole reason that such person relies  
4 upon spiritual means through prayer alone for treatment in accordance  
5 with the tenets and practices of a recognized church or religious  
6 denomination in lieu of medical treatment.

7 Sec. 5. K.S.A. 2013 Supp. 39-1430 is hereby amended to read as  
8 follows: 39-1430. As used in this act:

9 (a) "Adult" means an individual 18 years of age or older alleged to be  
10 unable to protect their own interest and who is harmed or threatened with  
11 harm, whether financial, mental or physical in nature, through action or  
12 inaction by either another individual or through their own action or  
13 inaction when: (1) Such person is residing in such person's own home, the  
14 home of a family member or the home of a friend; (2) such person resides  
15 in an adult family home as defined in K.S.A. 39-1501, and amendments  
16 thereto; or (3) such person is receiving services through a provider of  
17 community services and affiliates thereof operated or funded by the  
18 ~~department of social and rehabilitation services or the department on aging~~  
19 *Kansas department for children and families or the Kansas department for*  
20 *aging and disability services* or a residential facility licensed pursuant to  
21 K.S.A. 75-3307b, and amendments thereto. Such term shall not include  
22 persons to whom K.S.A. 39-1401 et seq., and amendments thereto, apply.

23 (b) "Abuse" means any act or failure to act performed intentionally or  
24 recklessly that causes or is likely to cause harm to an adult, including:

25 (1) Infliction of physical or mental injury;

26 (2) any sexual act with an adult when the adult does not consent or  
27 when the other person knows or should know that the adult is incapable of  
28 resisting or declining consent to the sexual act due to mental deficiency or  
29 disease or due to fear of retribution or hardship;

30 (3) unreasonable use of a physical restraint, isolation or medication  
31 that harms or is likely to harm an adult;

32 (4) unreasonable use of a physical or chemical restraint, medication  
33 or isolation as punishment, for convenience, in conflict with a physician's  
34 *or advanced practice registered nurse's* orders or as a substitute for  
35 treatment, except where such conduct or physical restraint is in furtherance  
36 of the health and safety of the adult;

37 (5) a threat or menacing conduct directed toward an adult that results  
38 or might reasonably be expected to result in fear or emotional or mental  
39 distress to an adult;

40 (6) fiduciary abuse; or

41 (7) omission or deprivation by a caretaker or another person of goods  
42 or services which are necessary to avoid physical or mental harm or  
43 illness.

1 (c) "Neglect" means the failure or omission by one's self, caretaker or  
2 another person with a duty to supply or provide goods or services which  
3 are reasonably necessary to ensure safety and well-being and to avoid  
4 physical or mental harm or illness.

5 (d) "Exploitation" means misappropriation of an adult's property or  
6 intentionally taking unfair advantage of an adult's physical or financial  
7 resources for another individual's personal or financial advantage by the  
8 use of undue influence, coercion, harassment, duress, deception, false  
9 representation or false pretense by a caretaker or another person.

10 (e) "Fiduciary abuse" means a situation in which any person who is  
11 the caretaker of, or who stands in a position of trust to, an adult, takes,  
12 secretes, or appropriates their money or property, to any use or purpose not  
13 in the due and lawful execution of such person's trust or benefit.

14 (f) "In need of protective services" means that an adult is unable to  
15 provide for or obtain services which are necessary to maintain physical or  
16 mental health or both.

17 (g) "Services which are necessary to maintain physical or mental  
18 health or both" include, but are not limited to, the provision of medical  
19 care for physical and mental health needs, the relocation of an adult to a  
20 facility or institution able to offer such care, assistance in personal  
21 hygiene, food, clothing, adequately heated and ventilated shelter,  
22 protection from health and safety hazards, protection from maltreatment  
23 the result of which includes, but is not limited to, malnutrition, deprivation  
24 of necessities or physical punishment and transportation necessary to  
25 secure any of the above stated needs, except that this term shall not include  
26 taking such person into custody without consent except as provided in this  
27 act.

28 (h) "Protective services" means services provided by the state or other  
29 governmental agency or by private organizations or individuals which are  
30 necessary to prevent abuse, neglect or exploitation. Such protective  
31 services shall include, but shall not be limited to, evaluation of the need for  
32 services, assistance in obtaining appropriate social services, and assistance  
33 in securing medical and legal services.

34 (i) "Caretaker" means a person who has assumed the responsibility,  
35 whether legally or not, for an adult's care or financial management or both.

36 (j) "Secretary" means the secretary ~~of social and rehabilitation~~  
37 ~~services for the Kansas department for children and families.~~

38 (k) "Report" means a description or accounting of an incident or  
39 incidents of abuse, neglect or exploitation under this act and for the  
40 purposes of this act shall not include any written assessment or findings.

41 (l) "Law enforcement" means the public office which is vested by law  
42 with the duty to maintain public order, make arrests for crimes, investigate  
43 criminal acts and file criminal charges, whether that duty extends to all

1 crimes or is limited to specific crimes.

2 (m) "Involved adult" means the adult who is the subject of a report of  
3 abuse, neglect or exploitation under this act.

4 (n) "Legal representative," "financial institution" and "governmental  
5 assistance provider" shall have the meanings ascribed thereto in K.S.A.  
6 39-1401, and amendments thereto.

7 No person shall be considered to be abused, neglected or exploited or  
8 in need of protective services for the sole reason that such person relies  
9 upon spiritual means through prayer alone for treatment in accordance  
10 with the tenets and practices of a recognized church or religious  
11 denomination in lieu of medical treatment.

12 Sec. 6. K.S.A. 2013 Supp. 39-1504 is hereby amended to read as  
13 follows: 39-1504. The secretary shall administer the adult family home  
14 registration program in accordance with the following requirements:

15 (a) (1) The home shall meet health standards and safety regulations of  
16 the community and the provisions of chapter 20 of the national fire  
17 protection association, life safety code, pamphlet no. 101, 1981 edition.

18 (2) The home shall have a written plan to get persons out of the home  
19 rapidly in case of fire, tornado or other emergency.

20 (3) No more than two clients shall be in residence at any one time.

21 (4) The home shall have adequate living and sleeping space for  
22 clients.

23 (5) Each room shall have an operable outside window.

24 (6) Electric fans shall be made available to reduce the temperature if  
25 there is no air conditioning. Rooms shall be heated, lighted, ventilated and  
26 available.

27 (7) Sleeping rooms shall have space for personal items.

28 (8) Each client shall have a bed which is clean and in good condition.

29 (9) Lavatory and toilet facilities shall be accessible, available and in  
30 working order.

31 (10) The kitchen shall be clean with appliances in good working  
32 order.

33 (b) (1) A healthy and safe environment shall be maintained for  
34 clients.

35 (2) There shall be a telephone in the home.

36 (3) The provider may assist a client with the taking of medications  
37 when the medication is in a labeled bottle which clearly shows a  
38 physician's orders *or an advanced practice registered nurse's orders* and  
39 when the client requires assistance because of tremor, visual impairment,  
40 or similar reasons due to health conditions. The provider may assist or  
41 perform for the client such physical activities which do not require daily  
42 supervision such as assistance with eating, bathing and dressing, help with  
43 brace or walker and transferring from wheelchairs.

1 (4) There shall be no use of corporal punishment, restraints or  
2 punitive measures.

3 (5) The house shall be free from accumulated dirt, trash and vermin.

4 (6) Meals shall be planned and prepared for adequate nutrition, and  
5 for diets if directed by a physician.

6 (c) (1) The provider shall be at least 18 years of age and in good  
7 health at the time of initial application for registration. A written statement  
8 must be received from a physician, nurse practitioner, or physician  
9 assistant stating that the applicant and the members of the applicant's  
10 household are free of any infectious or communicable disease or health  
11 condition and are physically and mentally healthy. Such statements shall  
12 be renewed every two years.

13 (2) The provider shall not be totally dependent on the income from  
14 the clients for support of the provider or the provider's family.

15 (3) A criminal conviction shall not necessarily exclude registration as  
16 an adult family home; but an investigation thereof will be made as part of  
17 the determination of the suitability of the home.

18 (4) The provider shall be responsible for supervision at all times and  
19 shall be in charge of the home and provision of care, or shall have a  
20 responsible person on call. Any such substitute responsible person shall  
21 meet the same requirements as the provider.

22 (5) The provider is responsible for encouraging the client to seek and  
23 utilize available services when needed.

24 (6) The provider shall comply with the requirements of state and  
25 federal regulations concerning civil rights and section 504 of the federal  
26 rehabilitation act of 1973.

27 (7) The provider shall assure that clients have the privilege of privacy  
28 as well as the right to see relatives, friends and participate in regular  
29 community activities.

30 (8) The provider shall keep client information confidential. The use  
31 or disclosure of any information concerning a client for any purpose is  
32 prohibited except on written consent of the client or upon order of the  
33 court.

34 (9) The provider shall maintain contact with an assigned social  
35 worker and shall allow the secretary and authorized representatives of the  
36 secretary access to the home and grounds and to the records related to  
37 clients in residence.

38 (10) The provider shall inform the social worker immediately of any  
39 unscheduled client absence from the home.

40 (11) The provider is responsible for helping clients maintain their  
41 clothing.

42 (12) The provider shall furnish or help clients arrange for  
43 transportation.



1 (13) The provider shall help a client arrange for emergency and  
2 regular medical care when necessary.

3 (14) The provider shall submit any information relating to the  
4 operation of the adult family home which is required by the secretary.

5 Sec. 7. K.S.A. 40-4602 is hereby amended to read as follows: 40-  
6 4602. As used in this act:

7 (a) "Emergency medical condition" means the sudden and, at the  
8 time, unexpected onset of a health condition that requires immediate  
9 medical attention, where failure to provide medical attention would result  
10 in serious impairment to bodily functions or serious dysfunction of a  
11 bodily organ or part, or would place the person's health in serious jeopardy.

12 (b) "Emergency services" means ambulance services and health care  
13 items and services furnished or required to evaluate and treat an  
14 emergency medical condition, as directed or ordered by a physician *or an*  
15 *advanced practice registered nurse*.

16 (c) "Health benefit plan" means any hospital or medical expense  
17 policy, health, hospital or medical service corporation contract, a plan  
18 provided by a municipal group-funded pool, a policy or agreement entered  
19 into by a health insurer or a health maintenance organization contract  
20 offered by an employer or any certificate issued under any such policies,  
21 contracts or plans. "Health benefit plan" does not include policies or  
22 certificates covering only accident, credit, dental, disability income, long-  
23 term care, hospital indemnity, medicare supplement, specified disease,  
24 vision care, coverage issued as a supplement to liability insurance,  
25 insurance arising out of a workers compensation or similar law,  
26 automobile medical-payment insurance, or insurance under which benefits  
27 are payable with or without regard to fault and which is statutorily  
28 required to be contained in any liability insurance policy or equivalent  
29 self-insurance.

30 (d) "Health insurer" means any insurance company, nonprofit medical  
31 and hospital service corporation, municipal group-funded pool, fraternal  
32 benefit society, health maintenance organization; or any other entity which  
33 offers a health benefit plan subject to the Kansas Statutes Annotated.

34 (e) "Insured" means a person who is covered by a health benefit plan.

35 (f) "Participating provider" means a provider who, under a contract  
36 with the health insurer or with its contractor or subcontractor, has agreed to  
37 provide one or more health care services to insureds with an expectation of  
38 receiving payment, other than coinsurance, copayments or deductibles,  
39 directly or indirectly from the health insurer.

40 (g) "Provider" means a physician, *advanced practice registered*  
41 *nurse*, hospital or other person which is licensed, accredited or certified to  
42 perform specified health care services.

43 (h) "Provider network" means those participating providers who have

1 entered into a contract or agreement with a health insurer to provide items  
2 or health care services to individuals covered by a health benefit plan  
3 offered by such health insurer.

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

6 Sec. 8. K.S.A. 59-2976 is hereby amended to read as follows: 59-  
7 2976. (a) Medications and other treatments shall be prescribed, ordered  
8 and administered only in conformity with accepted clinical practice.  
9 Medication shall be administered only upon the written order of a  
10 physician *or an advanced practice registered nurse* or upon a verbal order  
11 noted in the patient's medical records and subsequently signed by the  
12 physician *or an advanced practice registered nurse*. The attending  
13 physician *or an advanced practice registered nurse* shall review regularly  
14 the drug regimen of each patient under the physician's *or an advanced*  
15 *practice registered nurse's* care and shall monitor any symptoms of  
16 harmful side effects. Prescriptions for psychotropic medications shall be  
17 written with a termination date not exceeding 30 days thereafter but may  
18 be renewed.

19 (b) During the course of treatment the responsible physician—~~or,~~  
20 *advanced practice registered nurse*, psychologist or such person's designee  
21 shall reasonably consult with the patient, the patient's legal guardian, or a  
22 minor patient's parent and give consideration to the views the patient, legal  
23 guardian or parent expresses concerning treatment and any alternatives.  
24 No medication or other treatment may be administered to any voluntary  
25 patient without the patient's consent, or the consent of such patient's legal  
26 guardian or of such patient's parent if the patient is a minor.

27 (c) Consent for medical or surgical treatments not intended primarily  
28 to treat a patient's mental disorder shall be obtained in accordance with  
29 applicable law.

30 (d) Whenever any patient is receiving treatment pursuant to K.S.A.  
31 59-2954, 59-2958, 59-2959, 59-2964, 59-2966 or 59-2967, and  
32 amendments thereto, and the treatment facility is administering to the  
33 patient any medication or other treatment which alters the patient's mental  
34 state in such a way as to adversely affect the patient's judgment or hamper  
35 the patient in preparing for or participating in any hearing provided for by  
36 this act, then two days prior to and during any such hearing, the treatment  
37 facility may not administer such medication or other treatment unless such  
38 medication or other treatment is necessary to sustain the patient's life or to  
39 protect the patient or others. Prior to the hearing, a report of all such  
40 medications or other treatment which have been administered to the  
41 patient, along with a copy of any written consent(s) which the patient may  
42 have signed, shall be submitted to the court. Counsel for the patient may  
43 preliminarily examine the attending physician regarding the administration

1 of any medication to the patient within two days of the hearing with regard  
2 to the affect that medication may have had upon the patient's judgment or  
3 ability to prepare for or participate in the hearing. On the basis thereof, if  
4 the court determines that medication or other treatment has been  
5 administered which adversely affects the patient's judgment or ability to  
6 prepare for or participate in the hearing, the court may grant to the patient  
7 a reasonable continuance in order to allow for the patient to be better able  
8 to prepare for or participate in the hearing and the court shall order that  
9 such medication or other treatment be discontinued until the conclusion of  
10 the hearing, unless the court finds that such medication or other treatment  
11 is necessary to sustain the patient's life or to protect the patient or others, in  
12 which case the court shall order that the hearing proceed.

13 (e) Whenever a patient receiving treatment pursuant to K.S.A. 59-  
14 2954, 59-2958, 59-2959, 59-2964, 59-2966 or 59-2967, and amendments  
15 thereto, objects to taking any medication prescribed for psychiatric  
16 treatment, and after full explanation of the benefits and risks of such  
17 medication continues their objection, the medication may be administered  
18 over the patient's objection; except that the objection shall be recorded in  
19 the patient's medical record and at the same time written notice thereof  
20 shall be forwarded to the medical director of the treatment facility or the  
21 director's designee. Within five days after receiving such notice, excluding  
22 Saturdays, Sundays and legal holidays, the medical director or designee  
23 shall deliver to the patient and the patient's physician the medical director's  
24 or designee's written decision concerning the administration of that  
25 medication, and a copy of that decision shall be placed in the patient's  
26 medical record.

27 (f) In no case shall experimental medication be administered without  
28 the patient's consent, which consent shall be obtained in accordance with  
29 subsection (a)(6) of K.S.A. 59-2978, and amendments thereto.

30 Sec. 9. K.S.A. 2013 Supp. 65-468 is hereby amended to read as  
31 follows: 65-468. As used in K.S.A. 65-468 to 65-474, inclusive, and  
32 amendments thereto:

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

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

43 (c) "Mid-level practitioner" means a physician assistant or advanced

1 practice registered nurse who has entered into a written protocol with a  
2 rural health network physician.

3 (d) *"Advanced practice registered nurse" means an advanced*  
4 *practice registered nurse who is licensed pursuant to K.S.A. 65-1131, and*  
5 *amendments thereto, and who has authority to prescribe drugs in*  
6 *accordance with K.S.A. 65-1130, and amendments thereto.*

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

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

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

43 ~~(g)~~(h) "Hospital" means a hospital other than a critical access hospital

1 which has entered into a written agreement with at least one critical access  
2 hospital to form a rural health network and to provide medical or  
3 administrative supporting services within the limit of the hospital's  
4 capabilities.

5 Sec. 10. K.S.A. 2013 Supp. 65-1626 is hereby amended to read as  
6 follows: 65-1626. For the purposes of this act:

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

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

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

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

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

20 (c) "Application service provider" means an entity that sells  
21 electronic prescription or pharmacy prescription applications as a hosted  
22 service where the entity controls access to the application and maintains  
23 the software and records on its server.

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

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

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

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

43 (h) "Chain pharmacy warehouse" means a permanent physical

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

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

11 (j) "DEA" means the U.S. department of justice, drug enforcement  
12 administration.

13 (k) "Deliver" or "delivery" means the actual, constructive or  
14 attempted transfer from one person to another of any drug whether or not  
15 an agency relationship exists.

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

21 (m) "Dispense" means to deliver prescription medication to the  
22 ultimate user or research subject by or pursuant to the lawful order of a  
23 practitioner or pursuant to the prescription of a mid-level practitioner.

24 (n) "Dispenser" means a practitioner or pharmacist who dispenses  
25 prescription medication.

26 (o) "Distribute" means to deliver, other than by administering or  
27 dispensing, any drug.

28 (p) "Distributor" means a person who distributes a drug.

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

43 (r) "Drug" means: (1) Articles recognized in the official United States

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

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

25 (t) "Electronic prescription" means an electronically prepared  
26 prescription that is authorized and transmitted from the prescriber to the  
27 pharmacy by means of electronic transmission.

28 (u) "Electronic prescription application" means software that is used  
29 to create electronic prescriptions and that is intended to be installed on the  
30 prescriber's computers and servers where access and records are controlled  
31 by the prescriber.

32 (v) "Electronic signature" means a confidential personalized digital  
33 key, code, number or other method for secure electronic data transmissions  
34 which identifies a particular person as the source of the message,  
35 authenticates the signatory of the message and indicates the person's  
36 approval of the information contained in the transmission.

37 (w) "Electronic transmission" means the transmission of an electronic  
38 prescription, formatted as an electronic data file, from a prescriber's  
39 electronic prescription application to a pharmacy's computer, where the  
40 data file is imported into the pharmacy prescription application.

41 (x) "Electronically prepared prescription" means a prescription that is  
42 generated using an electronic prescription application.

43 (y) "Exclusive distributor" means any entity that: (1) Contracts with a

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

8 (z) "Facsimile transmission" or "fax transmission" means the  
9 transmission of a digital image of a prescription from the prescriber or the  
10 prescriber's agent to the pharmacy. "Facsimile transmission" includes, but  
11 is not limited to, transmission of a written prescription between the  
12 prescriber's fax machine and the pharmacy's fax machine; transmission of  
13 an electronically prepared prescription from the prescriber's electronic  
14 prescription application to the pharmacy's fax machine, computer or  
15 printer; or transmission of an electronically prepared prescription from the  
16 prescriber's fax machine to the pharmacy's fax machine, computer or  
17 printer.

18 (aa) "Generic name" means the established chemical name or official  
19 name of a drug or drug product.

20 (bb) (1) "Institutional drug room" means any location where  
21 prescription-only drugs are stored and from which prescription-only drugs  
22 are administered or dispensed and which is maintained or operated for the  
23 purpose of providing the drug needs of:

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

25 (B) residents of a juvenile detention facility, as defined by the revised  
26 Kansas code for care of children and the revised Kansas juvenile justice  
27 code;

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

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

32 (E) persons receiving inpatient hospice services.

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

34 (A) Any registered pharmacy;

35 (B) any office of a practitioner; or

36 (C) a location where no prescription-only drugs are dispensed and no  
37 prescription-only drugs other than individual prescriptions are stored or  
38 administered.

39 (cc) "Intermediary" means any technology system that receives and  
40 transmits an electronic prescription between the prescriber and the  
41 pharmacy.

42 (dd) "Intracompany transaction" means any transaction or transfer  
43 between any division, subsidiary, parent or affiliated or related company



1 under common ownership or control of a corporate entity, or any  
2 transaction or transfer between co-licensees of a co-licensed product.

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

8 (ff) "Manufacture" means the production, preparation, propagation,  
9 compounding, conversion or processing of a drug either directly or  
10 indirectly by extraction from substances of natural origin, independently  
11 by means of chemical synthesis or by a combination of extraction and  
12 chemical synthesis and includes any packaging or repackaging of the drug  
13 or labeling or relabeling of its container, except that this term shall not  
14 include the preparation or compounding of a drug by an individual for the  
15 individual's own use or the preparation, compounding, packaging or  
16 labeling of a drug by:

17 (1) A practitioner or a practitioner's authorized agent incident to such  
18 practitioner's administering or dispensing of a drug in the course of the  
19 practitioner's professional practice;

20 (2) a practitioner, by a practitioner's authorized agent or under a  
21 practitioner's supervision for the purpose of, or as an incident to, research,  
22 teaching or chemical analysis and not for sale; or

23 (3) a pharmacist or the pharmacist's authorized agent acting under the  
24 direct supervision of the pharmacist for the purpose of, or incident to, the  
25 dispensing of a drug by the pharmacist.

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

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

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

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

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

4 (3) a wholesale distributor to a chain pharmacy warehouse to that  
5 chain pharmacy warehouse's intracompany pharmacy to a patient or other  
6 designated persons authorized by law to dispense or administer such drug  
7 to a patient; or

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

11 (jj) "Person" means individual, corporation, government,  
12 governmental subdivision or agency, partnership, association or any other  
13 legal entity.

14 (kk) "Pharmacist" means any natural person licensed under this act to  
15 practice pharmacy.

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

25 (mm) "Pharmacist intern" means: (1) A student currently enrolled in  
26 an accredited pharmacy program; (2) a graduate of an accredited pharmacy  
27 program serving an internship; or (3) a graduate of a pharmacy program  
28 located outside of the United States which is not accredited and who has  
29 successfully passed equivalency examinations approved by the board.

30 (nn) "Pharmacy," "drugstore" or "apothecary" means premises,  
31 laboratory, area or other place: (1) Where drugs are offered for sale where  
32 the profession of pharmacy is practiced and where prescriptions are  
33 compounded and dispensed; or (2) which has displayed upon it or within it  
34 the words "pharmacist," "pharmaceutical chemist," "pharmacy,"  
35 "apothecary," "drugstore," "druggist," "drugs," "drug sundries" or any of  
36 these words or combinations of these words or words of similar import  
37 either in English or any sign containing any of these words; or (3) where  
38 the characteristic symbols of pharmacy or the characteristic prescription  
39 sign "Rx" may be exhibited. As used in this subsection, premises refers  
40 only to the portion of any building or structure leased, used or controlled  
41 by the licensee in the conduct of the business registered by the board at the  
42 address for which the registration was issued.

43 (oo) "Pharmacy prescription application" means software that is used

1 to process prescription information, is installed on a pharmacy's computers  
2 or servers, and is controlled by the pharmacy.

3 (pp) "Pharmacy technician" means an individual who, under the  
4 direct supervision and control of a pharmacist, may perform packaging,  
5 manipulative, repetitive or other nondiscretionary tasks related to the  
6 processing of a prescription or medication order and who assists the  
7 pharmacist in the performance of pharmacy related duties, but who does  
8 not perform duties restricted to a pharmacist.

9 (qq) "Practitioner" means a person licensed to practice medicine and  
10 surgery, dentist, podiatrist, veterinarian, optometrist, *advanced practice*  
11 *registered nurse who is licensed pursuant to K.S.A. 65-1131, and*  
12 *amendments thereto, and who has authority to prescribe drugs in*  
13 *accordance with K.S.A. 65-1130, and amendments thereto, or scientific*  
14 *investigator or other person authorized by law to use a prescription-only*  
15 *drug in teaching or chemical analysis or to conduct research with respect*  
16 *to a prescription-only drug.*

17 (rr) "Preceptor" means a licensed pharmacist who possesses at least  
18 two years' experience as a pharmacist and who supervises students  
19 obtaining the pharmaceutical experience required by law as a condition to  
20 taking the examination for licensure as a pharmacist.

21 (ss) "Prescriber" means a practitioner or a mid-level practitioner.

22 (tt) "Prescription" or "prescription order" means: (1) An order to be  
23 filled by a pharmacist for prescription medication issued and signed by a  
24 prescriber in the authorized course of such prescriber's professional  
25 practice; or (2) an order transmitted to a pharmacist through word of  
26 mouth, note, telephone or other means of communication directed by such  
27 prescriber, regardless of whether the communication is oral, electronic,  
28 facsimile or in printed form.

29 (uu) "Prescription medication" means any drug, including label and  
30 container according to context, which is dispensed pursuant to a  
31 prescription order.

32 (vv) "Prescription-only drug" means any drug whether intended for  
33 use by man or animal, required by federal or state law, including 21 U.S.C.  
34 § 353, to be dispensed only pursuant to a written or oral prescription or  
35 order of a practitioner or is restricted to use by practitioners only.

36 (ww) "Probation" means the practice or operation under a temporary  
37 license, registration or permit or a conditional license, registration or  
38 permit of a business or profession for which a license, registration or  
39 permit is granted by the board under the provisions of the pharmacy act of  
40 the state of Kansas requiring certain actions to be accomplished or certain  
41 actions not to occur before a regular license, registration or permit is  
42 issued.

43 (xx) "Professional incompetency" means:

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

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

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

9 (yy) "Readily retrievable" means that records kept by automatic data  
10 processing applications or other electronic or mechanized record-keeping  
11 systems can be separated out from all other records within a reasonable  
12 time not to exceed 48 hours of a request from the board or other authorized  
13 agent or that hard-copy records are kept on which certain items are  
14 asterisked, redlined or in some other manner visually identifiable apart  
15 from other items appearing on the records.

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

23 (aaa) "Secretary" means the executive secretary of the board.

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

31 (ccc) "Unprofessional conduct" means:

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

33 (2) intentional adulteration or mislabeling of any drug, medicine,  
34 chemical or poison;

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

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

38 (5) unlawful possession of drugs and unlawful diversion of drugs to  
39 others;

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

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

43 (8) making a false or misleading statement regarding the licensee's

1 professional practice or the efficacy or value of a drug;

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

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

6 (ddd) "Vaccination protocol" means a written protocol, agreed to by a  
7 pharmacist and a person licensed to practice medicine and surgery by the  
8 state board of healing arts, which establishes procedures and  
9 recordkeeping and reporting requirements for administering a vaccine by  
10 the pharmacist for a period of time specified therein, not to exceed two  
11 years.

12 (eee) "Valid prescription order" means a prescription that is issued for  
13 a legitimate medical purpose by an individual prescriber licensed by law to  
14 administer and prescribe drugs and acting in the usual course of such  
15 prescriber's professional practice. A prescription issued solely on the basis  
16 of an internet-based questionnaire or consultation without an appropriate  
17 prescriber-patient relationship is not a valid prescription order.

18 (fff) "Veterinary medical teaching hospital pharmacy" means any  
19 location where prescription-only drugs are stored as part of an accredited  
20 college of veterinary medicine and from which prescription-only drugs are  
21 distributed for use in treatment of or administration to a nonhuman.

22 (ggg) "Wholesale distributor" means any person engaged in  
23 wholesale distribution of prescription drugs or devices in or into the state,  
24 including, but not limited to, manufacturers, repackagers, own-label  
25 distributors, private-label distributors, jobbers, brokers, warehouses,  
26 including manufacturers' and distributors' warehouses, co-licensees,  
27 exclusive distributors, third party logistics providers, chain pharmacy  
28 warehouses that conduct wholesale distributions, and wholesale drug  
29 warehouses, independent wholesale drug traders and retail pharmacies that  
30 conduct wholesale distributions. Wholesale distributor shall not include  
31 persons engaged in the sale of durable medical equipment to consumers or  
32 patients.

33 (hhh) "Wholesale distribution" means the distribution of prescription  
34 drugs or devices by wholesale distributors to persons other than consumers  
35 or patients, and includes the transfer of prescription drugs by a pharmacy  
36 to another pharmacy if the total number of units of transferred drugs  
37 during a twelve-month period does not exceed 5% of the total number of  
38 all units dispensed by the pharmacy during the immediately preceding  
39 twelve-month period. Wholesale distribution does not include:

40 (1) The sale, purchase or trade of a prescription drug or device, an  
41 offer to sell, purchase or trade a prescription drug or device or the  
42 dispensing of a prescription drug or device pursuant to a prescription;

43 (2) the sale, purchase or trade of a prescription drug or device or an

1 offer to sell, purchase or trade a prescription drug or device for emergency  
2 medical reasons;

3 (3) intracompany transactions, as defined in this section, unless in  
4 violation of own use provisions;

5 (4) the sale, purchase or trade of a prescription drug or device or an  
6 offer to sell, purchase or trade a prescription drug or device among  
7 hospitals, chain pharmacy warehouses, pharmacies or other health care  
8 entities that are under common control;

9 (5) the sale, purchase or trade of a prescription drug or device or the  
10 offer to sell, purchase or trade a prescription drug or device by a charitable  
11 organization described in 503(c)(3) of the internal revenue code of 1954 to  
12 a nonprofit affiliate of the organization to the extent otherwise permitted  
13 by law;

14 (6) the purchase or other acquisition by a hospital or other similar  
15 health care entity that is a member of a group purchasing organization of a  
16 prescription drug or device for its own use from the group purchasing  
17 organization or from other hospitals or similar health care entities that are  
18 members of these organizations;

19 (7) the transfer of prescription drugs or devices between pharmacies  
20 pursuant to a centralized prescription processing agreement;

21 (8) the sale, purchase or trade of blood and blood components  
22 intended for transfusion;

23 (9) the return of recalled, expired, damaged or otherwise non-salable  
24 prescription drugs, when conducted by a hospital, health care entity,  
25 pharmacy, chain pharmacy warehouse or charitable institution in  
26 accordance with the board's rules and regulations;

27 (10) the sale, transfer, merger or consolidation of all or part of the  
28 business of a retail pharmacy or pharmacies from or with another retail  
29 pharmacy or pharmacies, whether accomplished as a purchase and sale of  
30 stock or business assets, in accordance with the board's rules and  
31 regulations;

32 (11) the distribution of drug samples by manufacturers' and  
33 authorized distributors' representatives;

34 (12) the sale of minimal quantities of drugs by retail pharmacies to  
35 licensed practitioners for office use; or

36 (13) the sale or transfer from a retail pharmacy or chain pharmacy  
37 warehouse of expired, damaged, returned or recalled prescription drugs to  
38 the original manufacturer, originating wholesale distributor or to a third  
39 party returns processor in accordance with the board's rules and  
40 regulations.

41 Sec. 11. K.S.A. 65-1660 is hereby amended to read as follows: 65-  
42 1660. (a) Except as otherwise provided in this section, the provisions of  
43 the pharmacy act of the state of Kansas shall not apply to dialysates,

1 devices or drugs which are designated by the board for the purposes of this  
2 section relating to treatment of a person with chronic kidney failure  
3 receiving dialysis and which are prescribed or ordered by a physician, *an*  
4 *advanced practice registered nurse* or a mid-level practitioner for  
5 administration or delivery to a person with chronic kidney failure if:

6 (1) The wholesale distributor is registered with the board and  
7 lawfully holds the drug or device; and

8 (2) the wholesale distributor: (A) Delivers the drug or device to: (i) A  
9 person with chronic kidney failure for self-administration at the person's  
10 home or specified address; (ii) a physician for administration or delivery to  
11 a person with chronic kidney failure; or (iii) a medicare approved renal  
12 dialysis facility for administering or delivering to a person with chronic  
13 kidney failure; and (B) has sufficient and qualified supervision to  
14 adequately protect the public health.

15 (b) The wholesale distributor pursuant to subsection (a) shall be  
16 supervised by a pharmacist consultant pursuant to rules and regulations  
17 adopted by the board.

18 (c) The board shall adopt such rules or regulations as are necessary to  
19 effectuate the provisions of this section.

20 (d) As used in this section, "physician" means a person licensed to  
21 practice medicine and surgery; "mid-level practitioner" means mid-level  
22 practitioner as such term is defined ~~in subsection (ii) of~~ by K.S.A. 65-  
23 1626, and amendments thereto; *"advanced practice registered nurse"*  
24 *means an advanced practice registered nurse who is licensed pursuant to*  
25 *K.S.A. 65-1131, and amendments thereto, and who has authority to*  
26 *prescribe drugs in accordance with K.S.A. 65-1130, and amendments*  
27 *thereto.*

28 (e) This section shall be part of and supplemental to the pharmacy act  
29 of the state of Kansas.

30 Sec. 12. K.S.A. 2013 Supp. 65-1682 is hereby amended to read as  
31 follows: 65-1682. As used in this act, unless the context otherwise  
32 requires:

33 (a) "Board" means the state board of pharmacy.

34 (b) "Dispenser" means a practitioner or pharmacist who delivers a  
35 scheduled substance or drug of concern to an ultimate user, but does not  
36 include:

37 (1) A licensed hospital pharmacy that distributes such substances for  
38 the purpose of inpatient hospital care;

39 (2) a medical care facility as defined in K.S.A. 65-425, and  
40 amendments thereto, practitioner or other authorized person who  
41 administers such a substance;

42 (3) a registered wholesale distributor of such substances;

43 (4) a veterinarian licensed by the Kansas board of veterinary

1 examiners who dispenses or prescribes a scheduled substance or drug of  
2 concern; or

3 (5) a practitioner who has been exempted from the reporting  
4 requirements of this act in rules and regulations promulgated by the board.

5 (c) "Drug of concern" means any drug that demonstrates a potential  
6 for abuse and is designated as a drug of concern in rules and regulations  
7 promulgated by the board.

8 (d) "Patient" means the person who is the ultimate user of a drug for  
9 whom a prescription is issued or for whom a drug is dispensed, or both.

10 (e) "Pharmacist" means an individual currently licensed by the board  
11 to practice the profession of pharmacy in this state.

12 (f) "Practitioner" means a person licensed to practice medicine and  
13 surgery, dentist, podiatrist, optometrist, *advanced practice registered nurse*  
14 *who is licensed pursuant to K.S.A. 65-1131, and amendments thereto, and*  
15 *who has authority to prescribe drugs in accordance with K.S.A. 65-1130,*  
16 *and amendments thereto, or other person authorized by law to prescribe or*  
17 *dispense scheduled substances and drugs of concern.*

18 (g) "Scheduled substance" means controlled substances included in  
19 schedules II, III or IV of the schedules designated in K.S.A. 65-4107, 65-  
20 4109 and 65-4111, and amendments thereto, respectively, or the federal  
21 controlled substances act (21 U.S.C. § 812).

22 Sec. 13. K.S.A. 2013 Supp. 65-2837a is hereby amended to read as  
23 follows: 65-2837a. (a) It shall be unlawful for any person licensed to  
24 practice medicine and surgery to prescribe, order, dispense, administer,  
25 sell, supply or give *or for any person licensed as an advanced practice*  
26 *registered nurse* or for a mid-level practitioner as defined ~~in subsection (ii)~~  
27 ~~of~~ by K.S.A. 65-1626, and amendments thereto, to prescribe, administer,  
28 supply or give any amphetamine or sympathomimetic amine designated in  
29 schedule II, III or IV under the uniform controlled substances act, except  
30 as provided in this section. Failure to comply with this section by a  
31 licensee shall constitute unprofessional conduct under K.S.A. 65-2837,  
32 and amendments thereto.

33 (b) When any licensee prescribes, orders, dispenses, administers,  
34 sells, supplies or gives or when *any advanced practice registered nurse or*  
35 *any mid-level practitioner as defined in subsection (ii) of* by K.S.A. 65-  
36 1626, and amendments thereto, prescribes, administers, sells, supplies or  
37 gives any amphetamine or sympathomimetic amine designated in schedule  
38 II, III or IV under the uniform controlled substances act, the patient's  
39 medical record shall adequately document the purpose for which the drug  
40 is being given. Such purpose shall be restricted to one or more of the  
41 following:

42 (1) The treatment of narcolepsy.

43 (2) The treatment of drug-induced brain dysfunction.



1 (3) The treatment of hyperkinesis.

2 (4) The differential diagnostic psychiatric evaluation of depression.

3 (5) The treatment of depression shown by adequate medical records  
4 and documentation to be unresponsive to other forms of treatment.

5 (6) The clinical investigation of the effects of such drugs or  
6 compounds, in which case, before the investigation is begun, the licensee  
7 shall, in addition to other requirements of applicable laws, apply for and  
8 obtain approval of the investigation from the board of healing arts.

9 (7) The treatment of obesity with controlled substances, as may be  
10 defined by rules and regulations adopted by the board of healing arts.

11 (8) The treatment of any other disorder or disease for which such  
12 drugs or compounds have been found to be safe and effective by  
13 competent scientific research which findings have been generally accepted  
14 by the scientific community, in which case, the licensee, before  
15 prescribing, ordering, dispensing, administering, selling, supplying or  
16 giving the drug or compound for a particular condition, or ~~the licensee~~  
17 before authorizing a mid-level practitioner to prescribe the drug or  
18 compound for a particular condition, *or the advanced practice registered*  
19 *nurse before prescribing, ordering, administering or giving the drug for a*  
20 *particular condition*, shall obtain a determination from the board of  
21 healing arts that the drug or compound can be used for that particular  
22 condition.

23 Sec. 14. K.S.A. 65-2892 is hereby amended to read as follows: 65-  
24 2892. Any physician *or advanced practice registered nurse*, upon  
25 consultation by any person under ~~eighteen~~ (18) 18 years of age as a  
26 patient, may, with the consent of such person who is hereby granted the  
27 right of giving such consent, make a diagnostic examination for venereal  
28 disease and prescribe for and treat such person for venereal disease,  
29 including prophylactic treatment for exposure to venereal disease  
30 whenever such person is suspected of having a venereal disease or contact  
31 with anyone having a venereal disease. All such examinations and  
32 treatment may be performed without the consent of, or notification to, the  
33 parent, parents, guardian or any other person having custody of such  
34 person. Any physician *or advanced practice registered nurse* examining or  
35 treating such person for venereal disease may, but shall not be obligated to,  
36 in accord with his opinion of what will be most beneficial for such person,  
37 inform the spouse, parent, custodian, guardian or fiance of such person as  
38 to the treatment given or needed without the consent of such person. Such  
39 informing shall not constitute libel or slander or a violation of the right of  
40 privacy or privilege or otherwise subject the physician *or advanced*  
41 *practice registered nurse* to any liability whatsoever. In any such case, the  
42 physician *or advanced practice registered nurse* shall incur no civil or  
43 criminal liability by reason of having made such diagnostic examination or

1 rendered such treatment, but such immunity shall not apply to any  
2 negligent acts or omissions. The physician *or advanced practice registered*  
3 *nurse* shall incur no civil or criminal liability by reason of any adverse  
4 reaction to medication administered, provided reasonable care has been  
5 taken to elicit from such person under ~~eighteen (18)~~ 18 years of age any  
6 history of sensitivity or previous adverse reaction to the medication.

7 Sec. 15. K.S.A. 2013 Supp. 65-2921 is hereby amended to read as  
8 follows: 65-2921. (a) Except as otherwise provided in subsection (d), a  
9 physical therapist may evaluate and initiate physical therapy treatment on  
10 a patient without referral from a licensed health care practitioner. If  
11 treating a patient without a referral from a licensed health care practitioner  
12 and the patient is not progressing toward documented treatment goals as  
13 demonstrated by objective, measurable or functional improvement, or any  
14 combination thereof, after 10 patient visits or in a period of 15 business  
15 days from the initial treatment visits following the initial evaluation visit,  
16 the physical therapist shall obtain a referral from an appropriate licensed  
17 health care practitioner prior to continuing treatment.

18 (b) Physical therapists may provide, without a referral, services to:  
19 (1) Employees solely for the purpose of education and instruction related  
20 to workplace injury prevention; or (2) the public for the purpose of fitness,  
21 health promotion and education.

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

26 (d) Nothing in this section shall be construed to prevent a hospital or  
27 ambulatory surgical center from requiring a physician order or referral for  
28 physical therapy services for a patient currently being treated in such  
29 facility.

30 (e) When a patient self-refers to a physical therapist pursuant to this  
31 section, the physical therapist, prior to commencing treatment, shall  
32 provide written notice to the patient that a physical therapy diagnosis is not  
33 a medical diagnosis by a physician.

34 (f) Physical therapists shall perform wound debridement services  
35 only after approval by a person licensed to practice medicine and surgery  
36 or other licensed health care practitioner in appropriately related cases.

37 (g) As used in this section, "licensed health care practitioner" means a  
38 person licensed to practice medicine and surgery, a licensed podiatrist, a  
39 licensed physician assistant ~~or a licensed advanced practice registered~~  
40 ~~nurse~~ working pursuant to the order or direction of a person licensed to  
41 practice medicine and surgery, a licensed chiropractor, a licensed dentist  
42 ~~or~~, a licensed optometrist *or a licensed advanced practice registered nurse*  
43 in appropriately related cases.

1       Sec. 16. K.S.A. 2013 Supp. 65-4101 is hereby amended to read as  
2 follows: 65-4101. As used in this act: (a) "Administer" means the direct  
3 application of a controlled substance, whether by injection, inhalation,  
4 ingestion or any other means, to the body of a patient or research subject  
5 by:

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

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

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

14       (c) "Application service provider" means an entity that sells  
15 electronic prescription or pharmacy prescription applications as a hosted  
16 service where the entity controls access to the application and maintains  
17 the software and records on its server.

18       (d) "Board" means the state board of pharmacy.

19       (e) "Bureau" means the bureau of narcotics and dangerous drugs,  
20 United States department of justice, or its successor agency.

21       (f) "Controlled substance" means any drug, substance or immediate  
22 precursor included in any of the schedules designated in K.S.A. 65-4105,  
23 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

24       (g) (1) "Controlled substance analog" means a substance that is  
25 intended for human consumption, and:

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

30       (B) which has a stimulant, depressant or hallucinogenic effect on the  
31 central nervous system substantially similar to the stimulant, depressant or  
32 hallucinogenic effect on the central nervous system of a controlled  
33 substance included in the schedules designated in K.S.A. 65-4105 or 65-  
34 4107, and amendments thereto; or

35       (C) with respect to a particular individual, which such individual  
36 represents or intends to have a stimulant, depressant or hallucinogenic  
37 effect on the central nervous system substantially similar to the stimulant,  
38 depressant or hallucinogenic effect on the central nervous system of a  
39 controlled substance included in the schedules designated in K.S.A. 65-  
40 4105 or 65-4107, and amendments thereto.

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

42       (A) A controlled substance;

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

1 or

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

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

12 (i) "Cultivate" means the planting or promotion of growth of five or  
13 more plants which contain or can produce controlled substances.

14 (j) "DEA" means the U.S. department of justice, drug enforcement  
15 administration.

16 (k) "Deliver" or "delivery" means the actual, constructive or  
17 attempted transfer from one person to another of a controlled substance,  
18 whether or not there is an agency relationship.

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

24 (m) "Dispenser" means a practitioner or pharmacist who dispenses.

25 (n) "Distribute" means to deliver other than by administering or  
26 dispensing a controlled substance.

27 (o) "Distributor" means a person who distributes.

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

37 (q) "Immediate precursor" means a substance which the board has  
38 found to be and by rule and regulation designates as being the principal  
39 compound commonly used or produced primarily for use and which is an  
40 immediate chemical intermediary used or likely to be used in the  
41 manufacture of a controlled substance, the control of which is necessary to  
42 prevent, curtail or limit manufacture.

43 (r) "Electronic prescription" means an electronically prepared

1 prescription that is authorized and transmitted from the prescriber to the  
2 pharmacy by means of electronic transmission.

3 (s) "Electronic prescription application" means software that is used  
4 to create electronic prescriptions and that is intended to be installed on the  
5 prescriber's computers and servers where access and records are controlled  
6 by the prescriber.

7 (t) "Electronic signature" means a confidential personalized digital  
8 key, code, number or other method for secure electronic data transmissions  
9 which identifies a particular person as the source of the message,  
10 authenticates the signatory of the message and indicates the person's  
11 approval of the information contained in the transmission.

12 (u) "Electronic transmission" means the transmission of an electronic  
13 prescription, formatted as an electronic data file, from a prescriber's  
14 electronic prescription application to a pharmacy's computer, where the  
15 data file is imported into the pharmacy prescription application.

16 (v) "Electronically prepared prescription" means a prescription that is  
17 generated using an electronic prescription application.

18 (w) "Facsimile transmission" or "fax transmission" means the  
19 transmission of a digital image of a prescription from the prescriber or the  
20 prescriber's agent to the pharmacy. "Facsimile transmission" includes, but  
21 is not limited to, transmission of a written prescription between the  
22 prescriber's fax machine and the pharmacy's fax machine; transmission of  
23 an electronically prepared prescription from the prescriber's electronic  
24 prescription application to the pharmacy's fax machine, computer or  
25 printer; or transmission of an electronically prepared prescription from the  
26 prescriber's fax machine to the pharmacy's fax machine, computer or  
27 printer.

28 (x) "Intermediary" means any technology system that receives and  
29 transmits an electronic prescription between the prescriber and the  
30 pharmacy.

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

32 (z) "Manufacture" means the production, preparation, propagation,  
33 compounding, conversion or processing of a controlled substance either  
34 directly or indirectly or by extraction from substances of natural origin or  
35 independently by means of chemical synthesis or by a combination of  
36 extraction and chemical synthesis and includes any packaging or  
37 repackaging of the substance or labeling or relabeling of its container,  
38 except that this term does not include the preparation or compounding of a  
39 controlled substance by an individual for the individual's own lawful use  
40 or the preparation, compounding, packaging or labeling of a controlled  
41 substance:

42 (1) By a practitioner or the practitioner's agent pursuant to a lawful  
43 order of a practitioner as an incident to the practitioner's administering or

1 dispensing of a controlled substance in the course of the practitioner's  
2 professional practice; or

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

7 (aa) "Marijuana" means all parts of all varieties of the plant Cannabis  
8 whether growing or not, the seeds thereof, the resin extracted from any  
9 part of the plant and every compound, manufacture, salt, derivative,  
10 mixture or preparation of the plant, its seeds or resin. It does not include  
11 the mature stalks of the plant, fiber produced from the stalks, oil or cake  
12 made from the seeds of the plant, any other compound, manufacture, salt,  
13 derivative, mixture or preparation of the mature stalks, except the resin  
14 extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant  
15 which is incapable of germination.

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

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

26 (dd) "Narcotic drug" means any of the following whether produced  
27 directly or indirectly by extraction from substances of vegetable origin or  
28 independently by means of chemical synthesis or by a combination of  
29 extraction and chemical synthesis:

30 (1) Opium and opiate and any salt, compound, derivative or  
31 preparation of opium or opiate;

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

36 (3) opium poppy and poppy straw;

37 (4) coca leaves and any salt, compound, derivative or preparation of  
38 coca leaves, and any salt, compound, isomer, derivative or preparation  
39 thereof which is chemically equivalent or identical with any of these  
40 substances, but not including decocainized coca leaves or extractions of  
41 coca leaves which do not contain cocaine or ecgonine.

42 (ee) "Opiate" means any substance having an addiction-forming or  
43 addiction-sustaining liability similar to morphine or being capable of

1 conversion into a drug having addiction-forming or addiction-sustaining  
2 liability. It does not include, unless specifically designated as controlled  
3 under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer  
4 of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does  
5 include its racemic and levorotatory forms.

6 (ff) "Opium poppy" means the plant of the species *Papaver*  
7 *somniferum* L. except its seeds.

8 (gg) "Person" means an individual, corporation, government, or  
9 governmental subdivision or agency, business trust, estate, trust,  
10 partnership or association or any other legal entity.

11 (hh) "Pharmacist" means any natural person licensed under K.S.A.  
12 65-1625 et seq., to practice pharmacy.

13 (ii) "Pharmacist intern" means: (1) A student currently enrolled in an  
14 accredited pharmacy program; (2) a graduate of an accredited pharmacy  
15 program serving such person's internship; or (3) a graduate of a pharmacy  
16 program located outside of the United States which is not accredited and  
17 who had successfully passed equivalency examinations approved by the  
18 board.

19 (jj) "Pharmacy prescription application" means software that is used  
20 to process prescription information, is installed on a pharmacy's computers  
21 and servers, and is controlled by the pharmacy.

22 (kk) "Poppy straw" means all parts, except the seeds, of the opium  
23 poppy, after mowing.

24 (ll) "Practitioner" means a person licensed to practice medicine and  
25 surgery, dentist, podiatrist, veterinarian, optometrist, *advanced practice*  
26 *registered nurse who is licensed pursuant to K.S.A. 65-1131, and*  
27 *amendments thereto, and who has authority to prescribe drugs in*  
28 *accordance with K.S.A. 65-1130, and amendments thereto, or scientific*  
29 *investigator or other person authorized by law to use a controlled*  
30 *substance in teaching or chemical analysis or to conduct research with*  
31 *respect to a controlled substance.*

32 (mm) "Prescriber" means a practitioner or a mid-level practitioner.

33 (nn) "Production" includes the manufacture, planting, cultivation,  
34 growing or harvesting of a controlled substance.

35 (oo) "Readily retrievable" means that records kept by automatic data  
36 processing applications or other electronic or mechanized recordkeeping  
37 systems can be separated out from all other records within a reasonable  
38 time not to exceed 48 hours of a request from the board or other authorized  
39 agent or that hard-copy records are kept on which certain items are  
40 asterisked, redlined or in some other manner visually identifiable apart  
41 from other items appearing on the records.

42 (pp) "Ultimate user" means a person who lawfully possesses a  
43 controlled substance for such person's own use or for the use of a member

1 of such person's household or for administering to an animal owned by  
2 such person or by a member of such person's household.

3 Sec. 17. K.S.A. 2013 Supp. 65-4116 is hereby amended to read as  
4 follows: 65-4116. (a) Every person who manufactures, distributes or  
5 dispenses any controlled substance within this state or who proposes to  
6 engage in the manufacture, distribution or dispensing of any controlled  
7 substance within this state shall obtain annually a registration issued by the  
8 board in accordance with the uniform controlled substances act and with  
9 rules and regulations adopted by the board.

10 (b) Persons registered by the board under this act to manufacture,  
11 distribute, dispense or conduct research with controlled substances may  
12 possess, manufacture, distribute, dispense or conduct research with those  
13 substances to the extent authorized by their registration and in conformity  
14 with the other provisions of this act.

15 (c) The following persons need not register and may lawfully possess  
16 controlled substances under this act, as specified in this subsection:

17 (1) An agent or employee of any registered manufacturer, distributor  
18 or dispenser of any controlled substance if the agent or employee is acting  
19 in the usual course of such agent or employee's business or employment;

20 (2) a common carrier or warehouseman or an employee thereof  
21 whose possession of any controlled substance is in the usual course of  
22 business or employment;

23 (3) an ultimate user or a person in possession of any controlled  
24 substance pursuant to a lawful order of a practitioner or a mid-level  
25 practitioner or in lawful possession of a schedule V substance;

26 (4) persons licensed and registered by the board under the provisions  
27 of the acts contained in article 16 of chapter 65 of the Kansas Statutes  
28 Annotated, and amendments thereto, to manufacture, dispense or distribute  
29 drugs are considered to be in compliance with the registration provision of  
30 the uniform controlled substances act without additional proceedings  
31 before the board or the payment of additional fees, except that  
32 manufacturers and distributors shall complete and file the application form  
33 required under the uniform controlled substances act;

34 (5) any person licensed by the state board of healing arts under the  
35 Kansas healing arts act;

36 (6) any person licensed by the state board of veterinary examiners;

37 (7) any person licensed by the Kansas dental board;

38 (8) a mid-level practitioner; ~~and~~

39 (9) any person who is a member of the Native American Church, with  
40 respect to use or possession of peyote, whose use or possession of peyote  
41 is in, or for use in, bona fide religious ceremonies of the Native American  
42 Church, but nothing in this paragraph shall authorize the use or possession  
43 of peyote in any place used for the confinement or housing of persons



1 arrested, charged or convicted of criminal offenses or in the state security  
2 hospital; and

3 *(10) any person licensed as an advanced practice registered nurse*  
4 *under K.S.A. 65-1131, and amendments thereto, and who has authority to*  
5 *prescribe drugs in accordance with K.S.A. 65-1130, and amendments*  
6 *thereto.*

7 (d) (1) The board may waive by rules and regulations the requirement  
8 for registration of certain manufacturers, distributors or dispensers if the  
9 board finds it consistent with the public health and safety, except that  
10 licensure of any person by the state board of healing arts to practice any  
11 branch of the healing arts, Kansas dental board ~~or~~, the state board of  
12 veterinary examiners *or the board of nursing of advanced practice*  
13 *registered nurses* shall constitute compliance with the registration  
14 requirements of the uniform controlled substances act by such person for  
15 such person's place of professional practice.

16 (2) Evidence of abuse as determined by the board relating to a person  
17 licensed by the state board of healing arts shall be submitted to the state  
18 board of healing arts and the attorney general within 60 days. The state  
19 board of healing arts shall, within 60 days, make findings of fact and take  
20 such action against such person as it deems necessary. All findings of fact  
21 and any action taken shall be reported by the state board of healing arts to  
22 the board of pharmacy and the attorney general.

23 (3) Evidence of abuse as determined by the board relating to a person  
24 licensed by the state board of veterinary examiners shall be submitted to  
25 the state board of veterinary examiners and the attorney general within 60  
26 days. The state board of veterinary examiners shall, within 60 days, make  
27 findings of fact and take such action against such person as it deems  
28 necessary. All findings of fact and any action taken shall be reported by the  
29 state board of veterinary examiners to the board of pharmacy and the  
30 attorney general.

31 (4) Evidence of abuse as determined by the board relating to a dentist  
32 licensed by the Kansas dental board shall be submitted to the Kansas  
33 dental board and the attorney general within 60 days. The Kansas dental  
34 board shall, within 60 days, make findings of fact and take such action  
35 against such dentist as it deems necessary. All findings of fact and any  
36 action taken shall be reported by the Kansas dental board to the board of  
37 pharmacy and the attorney general.

38 (5) *Evidence of abuse as determined by the board relating to an*  
39 *advanced practice registered nurse licensed by the board of nursing shall*  
40 *be submitted to the board of nursing and the attorney general within 60*  
41 *days. The board of nursing shall, within 60 days, make findings of fact and*  
42 *take such action against such advanced practice registered nurse as it*  
43 *deems necessary. All findings of fact and any action taken shall be*

1 *reported by the board of nursing to the board of pharmacy and the*  
2 *attorney general.*

3 (e) A separate annual registration is required at each place of business  
4 or professional practice where the applicant manufactures, distributes or  
5 dispenses controlled substances.

6 (f) The board may inspect the establishment of a registrant or  
7 applicant for registration in accordance with the board's rules and  
8 regulations.

9 (g) (1) The registration of any person or location shall terminate when  
10 such person or authorized representative of a location dies, ceases legal  
11 existence, discontinues business or professional practice or changes the  
12 location as shown on the certificate of registration. Any registrant who  
13 ceases legal existence, discontinues business or professional practice, or  
14 changes location as shown on the certificate of registration, shall notify the  
15 board promptly of such fact and forthwith deliver the certificate of  
16 registration directly to the secretary or executive secretary of the board. In  
17 the event of a change in name or mailing address the person or authorized  
18 representative of the location shall notify the board promptly in advance of  
19 the effective date of this change by filing the change of name or mailing  
20 address with the board. This change shall be noted on the original  
21 application on file with the board.

22 (2) No registration or any authority conferred thereby shall be  
23 assigned or otherwise transferred except upon such conditions as the board  
24 may specifically designate and then only pursuant to the written consent of  
25 the board.

26 Sec. 18. K.S.A. 65-4134 is hereby amended to read as follows: 65-  
27 4134. A practitioner engaged in medical practice or research, *a*  
28 *practitioner who is an advanced practice registered nurse acting in the*  
29 *usual course of such practitioner's practice* or a mid-level practitioner  
30 acting in the usual course of such mid-level practitioner's practice is not  
31 required or compelled to furnish the name or identity of a patient or  
32 research subject to the board, nor may such practitioner or mid-level  
33 practitioner be compelled in any state or local civil, criminal,  
34 administrative, legislative or other proceedings to furnish the name or  
35 identity of an individual that the practitioner or mid-level practitioner is  
36 obligated to keep confidential.

37 Sec. 19. K.S.A. 2013 Supp. 65-4202 is hereby amended to read as  
38 follows: 65-4202. As used in this act: (a) "Board" means the state board of  
39 nursing.

40 (b) The "practice of mental health technology" means the  
41 performance, under the direction of a physician licensed to practice  
42 medicine and surgery or registered professional nurse, of services in caring  
43 for and treatment of the mentally ill, emotionally disturbed, or people with

1 intellectual disability for compensation or personal profit, which services:

2 (1) Involve responsible nursing and therapeutic procedures for  
3 patients with mental illness or intellectual disability requiring interpersonal  
4 and technical skills in the observations and recognition of symptoms and  
5 reactions of such patients, the accurate recording of such symptoms and  
6 reactions and the carrying out of treatments and medications as prescribed  
7 by a licensed physician, *a licensed advanced practice registered nurse* or a  
8 mid-level practitioner as defined ~~in subsection (ii) of~~ by K.S.A. 65-1626,  
9 and amendments thereto; and

10 (2) require an application of techniques and procedures that involve  
11 understanding of cause and effect and the safeguarding of life and health  
12 of the patient and others; and

13 (3) require the performance of duties that are necessary to facilitate  
14 rehabilitation of the patient or are necessary in the physical, therapeutic  
15 and psychiatric care of the patient and require close work with persons  
16 licensed to practice medicine and surgery, psychiatrists, psychologists,  
17 rehabilitation therapists, social workers, registered nurses; and other  
18 professional personnel.

19 (c) A "licensed mental health technician" means a person who  
20 lawfully practices mental health technology as defined in this act.

21 (d) An "approved course in mental health technology" means a  
22 program of training and study including a basic curriculum which shall be  
23 prescribed and approved by the board in accordance with the standards  
24 prescribed herein, the successful completion of which shall be required  
25 before licensure as a mental health technician, except as hereinafter  
26 provided.

27 Sec. 20. K.S.A. 2013 Supp. 65-5402 is hereby amended to read as  
28 follows: 65-5402. As used in K.S.A. 65-5401 to 65-5417, inclusive, and  
29 K.S.A. 65-5418 to 65-5420, inclusive, and amendments thereto:

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

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

42 (1) Remediation or restoration of performance abilities that are  
43 limited due to impairment in biological, physiological, psychological or

1 neurological cognitive processes;

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

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

6 (4) health promotion strategies and practices that enhance  
7 performance abilities.

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

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

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

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

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

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

22 (6) evaluating and providing intervention in collaboration with the  
23 client, 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  
27 to 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  
31 in the practice of occupational therapy under the supervision of an  
32 occupational therapist.

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

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

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

41 Sec. 21. K.S.A. 2013 Supp. 65-5418 is hereby amended to read as  
42 follows: 65-5418. (a) Nothing in the occupational therapy practice act is  
43 intended to limit, preclude or otherwise interfere with the practices of

1 other health care providers formally trained and licensed, registered,  
2 credentialed or certified by appropriate agencies of the state of Kansas.

3 (b) The practice of occupational therapy shall not be construed to  
4 include the following:

5 (1) Persons rendering assistance in the case of an emergency;

6 (2) members of any church practicing their religious tenets;

7 (3) persons whose services are performed pursuant to the delegation  
8 of and under the supervision of an occupational therapist who is licensed  
9 under this act;

10 (4) any person employed as an occupational therapist or occupational  
11 therapy assistant by the government of the United States or any agency  
12 thereof, if such person practices occupational therapy solely under the  
13 direction or control of the organization by which such person is employed;

14 (5) licensees under the healing arts act when licensed and practicing  
15 in accordance with the provisions of law or persons performing services  
16 pursuant to a delegation authorized under subsection (g) of K.S.A. 65-  
17 2872, and amendments thereto;

18 (6) dentists practicing their professions, when licensed and practicing  
19 in accordance with the provisions of law;

20 (7) nurses practicing their professions, when licensed and practicing  
21 in accordance with the provisions of law or persons performing services  
22 pursuant to the delegation of a licensed nurse under subsection (m) of  
23 K.S.A. 65-1124, and amendments thereto;

24 (8) health care providers who have been formally trained and are  
25 practicing in accordance with the training or have received specific  
26 training in one or more functions included in the occupational therapy  
27 practice act pursuant to established educational protocols, or both;

28 (9) any person pursuing a supervised course of study leading to a  
29 degree or certificate in occupational therapy at an accredited or approved  
30 educational program, if the person is designated by the title which clearly  
31 indicates such person's status as a student or trainee;

32 (10) any person fulfilling the supervised fieldwork experience  
33 requirements as part of the experience necessary to meet the requirement  
34 of the occupational therapy practice act;

35 (11) self-care by a patient or gratuitous care by a friend or family  
36 member who does not represent or hold oneself out to the public to be an  
37 occupational therapist or an occupational therapy assistant;

38 (12) optometrists practicing their profession when licensed and  
39 practicing in accordance with the provisions of article 15 of chapter 65 of  
40 the Kansas Statutes Annotated, and amendments thereto;

41 (13) podiatrists practicing their profession when licensed and  
42 practicing in accordance with the provisions of article 15 of chapter 65 of  
43 the Kansas Statutes Annotated, and amendments thereto;

1 (14) physical therapists practicing their profession when licensed and  
2 practicing in accordance with K.S.A. 65-2901 et seq., and amendments  
3 thereto;

4 (15) physician assistants practicing their profession when licensed  
5 and practicing in accordance with the physician assistant licensure act;

6 (16) athletic trainers practicing their profession when licensed and  
7 practicing in accordance with the athletic trainers licensure act;

8 (17) manufacturers of prosthetic devices;

9 (18) any person performing occupational therapy services, if these  
10 services are performed for no more than 45 days in a calendar year in  
11 association with an occupational therapist licensed under the occupational  
12 therapy practice act so long as (A): The person is registered or licensed  
13 under the laws of another state which has licensure requirements at least as  
14 stringent as the licensure requirements of this act; or (B) the person meets  
15 the requirements for certification as an occupational therapist registered  
16 (OTR) or a certified occupational therapy assistant (COTA) established by  
17 the national board for certification in occupational therapy (NBCOT).

18 (c) Any patient monitoring, assessment or other procedures designed  
19 to evaluate the effectiveness of prescribed occupational therapy must be  
20 performed by or pursuant to the delegation of a licensed occupational  
21 therapist or other health care provider.

22 (d) Education related therapy services provided by an occupational  
23 therapist to school systems or consultation regarding prevention,  
24 ergonomics and wellness within the occupational therapy scope of practice  
25 shall not require a referral, supervision, order or direction of a physician,  
26 *an advanced practice registered nurse*, a licensed podiatrist, a licensed  
27 dentist or a licensed optometrist. However, when in the course of  
28 providing such services an occupational therapist reasonably believes that  
29 an individual may have an underlying injury, illness, disease, disorder or  
30 impairment, the occupational therapist shall refer the individual to a  
31 physician, *an advanced practice registered nurse*, a licensed podiatrist, a  
32 licensed dentist or a licensed optometrist, as appropriate.

33 (e) Nothing in the occupational therapy practice act shall be construed  
34 to permit the practice of medicine and surgery. No statute granting  
35 authority to licensees of the state board of healing arts shall be construed  
36 to confer authority upon occupational therapists to engage in any activity  
37 not conferred by the occupational therapy practice act.

38 (f) This section shall be part of and supplemental to the occupational  
39 therapy practice act.

40 Sec. 22. K.S.A. 65-5502 is hereby amended to read as follows: 65-  
41 5502. As used in K.S.A. 65-5501 to 65-5517, inclusive, and amendments  
42 thereto:

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

1 (b) "Respiratory therapy" is a health care profession whose therapists  
2 practice under the supervision of a qualified medical director and with the  
3 prescription of a licensed physician *or an advanced practice registered*  
4 *nurse* providing therapy, management, rehabilitation, respiratory  
5 assessment and care of patients with deficiencies and abnormalities which  
6 affect the pulmonary system and associated other systems functions. The  
7 duties which may be performed by a respiratory therapist include:

8 (1) Direct and indirect respiratory therapy services that are safe,  
9 aseptic, preventative and restorative to the patient.

10 (2) Direct and indirect respiratory therapy services, including but not  
11 limited to, the administration of pharmacological and diagnostic and  
12 therapeutic agents related to respiratory therapy procedures to implement a  
13 treatment, disease prevention or pulmonary rehabilitative regimen  
14 prescribed by a physician *or an advanced practice registered nurse*.

15 (3) Administration of medical gases, exclusive of general anesthesia,  
16 aerosols, humidification and environmental control systems.

17 (4) Transcription and implementation of written or verbal orders of a  
18 physician *or an advanced practice registered nurse* pertaining to the  
19 practice of respiratory therapy.

20 (5) Implementation of respiratory therapy protocols as defined by the  
21 medical staff of an institution or a qualified medical director or other  
22 written protocol, changes in treatment pursuant to the written or verbal  
23 orders of a physician *or an advanced practice registered nurse* or the  
24 initiation of emergency procedures as authorized by written protocols.

25 (c) "Respiratory therapist" means a person who is licensed to practice  
26 respiratory therapy as defined in this act.

27 (d) "Person" means any individual, partnership, unincorporated  
28 organization or corporation.

29 (e) "Physician" means a person who is licensed by the board to  
30 practice medicine and surgery.

31 (f) "Qualified medical director" means the medical director of any  
32 inpatient or outpatient respiratory therapy service, department or home  
33 care agency. The medical director shall be a physician who has interest and  
34 knowledge in the diagnosis and treatment of respiratory problems. This  
35 physician shall be responsible for the quality, safety and appropriateness of  
36 the respiratory services provided and require that respiratory therapy be  
37 ordered by a physician *or an advanced practice registered nurse* who has  
38 medical responsibility for the patient. The medical director shall be readily  
39 accessible to the respiratory therapy practitioner.

40 (g) "*Advanced practice registered nurse*" means an advanced  
41 *practice registered nurse* who is licensed pursuant to K.S.A. 65-1131, and  
42 *amendments thereto, and who has authority to prescribe drugs in*  
43 *accordance with K.S.A. 65-1130, and amendments thereto.*

1 Sec. 23. K.S.A. 2013 Supp. 65-6112 is hereby amended to read as  
2 follows: 65-6112. As used in this act:

3 (a) "Administrator" means the executive director of the emergency  
4 medical services board.

5 (b) "Advanced emergency medical technician" means a person who  
6 holds an advanced emergency medical technician certificate issued  
7 pursuant to this act.

8 (c) "Advanced practice registered nurse" means an advanced practice  
9 registered nurse as defined in K.S.A. 65-1113, and amendments thereto.

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

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

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

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

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

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

34 (j) "Emergency medical technician-defibrillator" means a person who  
35 holds an emergency medical technician-defibrillator certificate issued  
36 pursuant to this act.

37 (k) "Emergency medical technician-intermediate" means a person  
38 who holds an emergency medical technician-intermediate certificate issued  
39 pursuant to this act.

40 (l) "Emergency medical technician-intermediate/defibrillator" means  
41 a person who holds both an emergency medical technician-intermediate  
42 and emergency medical technician-defibrillator certificate issued pursuant  
43 to this act.



- 1 (m) "Emergency medical responder" means a person who holds an  
2 emergency medical responder certificate issued pursuant to this act.
- 3 (n) "First responder" means a person who holds a first responder  
4 certificate issued pursuant to this act.
- 5 (o) "Hospital" means a hospital as defined by K.S.A. 65-425, and  
6 amendments thereto.
- 7 (p) "Instructor-coordinator" means a person who is certified under  
8 this act to teach initial certification and continuing education classes.
- 9 (q) "Medical director" means a physician.
- 10 (r) "Medical protocols" mean written guidelines which authorize  
11 attendants to perform certain medical procedures prior to contacting a  
12 physician, physician assistant authorized by a physician, advanced practice  
13 registered nurse ~~authorized by a physician~~ or professional nurse authorized  
14 by a physician. The medical protocols shall be approved by a county  
15 medical society or the medical staff of a hospital to which the ambulance  
16 service primarily transports patients, or if neither of the above are able or  
17 available to approve the medical protocols, then the medical protocols  
18 shall be submitted to the medical advisory council for approval.
- 19 (s) "Mobile intensive care technician" means a person who holds a  
20 mobile intensive care technician certificate issued pursuant to this act.
- 21 (t) "Municipality" means any city, county, township, fire district or  
22 ambulance service district.
- 23 (u) "Nonemergency transportation" means the care and transport of a  
24 sick or injured person under a foreseen combination of circumstances  
25 calling for continuing care of such person. As used in this subsection,  
26 transportation includes performance of the authorized level of services of  
27 the attendant whether within or outside the vehicle as part of such  
28 transportation services.
- 29 (v) "Operator" means a person or municipality who has a permit to  
30 operate an ambulance service in the state of Kansas.
- 31 (w) "Paramedic" means a person who holds a paramedic certificate  
32 issued pursuant to this act.
- 33 (x) "Person" means an individual, a partnership, an association, a  
34 joint-stock company or a corporation.
- 35 (y) "Physician" means a person licensed by the state board of healing  
36 arts to practice medicine and surgery.
- 37 (z) "Physician assistant" means a person who is licensed under the  
38 physician assistant licensure act and who is acting under the direction of a  
39 responsible physician.
- 40 (aa) "Professional nurse" means a licensed professional nurse as  
41 defined by K.S.A. 65-1113, and amendments thereto.
- 42 (bb) "Provider of training" means a corporation, partnership,  
43 accredited postsecondary education institution, ambulance service, fire

1 department, hospital or municipality that conducts training programs that  
2 include, but are not limited to, initial courses of instruction and continuing  
3 education for attendants, instructor-coordinators or training officers.

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

6 (dd) "Training officer" means a person who is certified pursuant to  
7 this act to teach, coordinate or both, initial courses of instruction for first  
8 responders or emergency medical responders and continuing education as  
9 prescribed by the board.

10 Sec. 24. K.S.A. 2013 Supp. 65-6119 is hereby amended to read as  
11 follows: 65-6119. (a) Notwithstanding any other provision of law, mobile  
12 intensive care technicians may:

13 (1) Perform all the authorized activities identified in K.S.A. 65-6120,  
14 65-6121, 65-6123, 65-6144, and amendments thereto;

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

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

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

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

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

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

40 (1) Perform all the authorized activities identified in K.S.A. 65-6120,  
41 65-6121, 65-6144, and amendments thereto;

42 (2) when voice contact or a telemetered electrocardiogram is  
43 monitored by a physician, physician assistant where authorized by a

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

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

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

13 Sec. 25. K.S.A. 2013 Supp. 65-6120 is hereby amended to read as  
14 follows: 65-6120. (a) Notwithstanding any other provision of law to the  
15 contrary, an emergency medical technician-intermediate may:

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

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

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

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

34 (b) An individual who holds a valid certificate as an emergency  
35 medical technician-intermediate once successfully completing the board  
36 prescribed transition course, and validation of cognitive and psychomotor  
37 competency as determined by rules and regulations of the board, may  
38 apply to transition to become an advanced emergency medical technician.  
39 Alternatively, upon application for renewal, such individual shall be  
40 deemed to hold a certificate as an advanced emergency medical technician  
41 under this act, provided such individual has completed all continuing  
42 education hour requirements inclusive of the successful completion of a  
43 transition course and such individual shall not be required to file an

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

3 (c) "Renewal" as used in subsection (b), refers to the first or second  
4 opportunity after December 31, 2011, that an emergency medical  
5 technician-intermediate has to apply for renewal of a certificate.

6 (d) Emergency medical technician-intermediates who fail to meet the  
7 transition requirements as specified may complete either the board  
8 prescribed emergency medical technician transition course or emergency  
9 medical responder transition course, provide validation of cognitive and  
10 psychomotor competency and all continuing education hour requirements  
11 inclusive of the successful completion of a transition course as determined  
12 by rules and regulations of the board. Upon completion, such emergency  
13 medical technician-intermediate may apply to transition to become an  
14 emergency medical technician or an emergency medical responder,  
15 depending on the transition course that was successfully completed.  
16 Alternatively, upon application for renewal of an emergency medical  
17 technician-intermediate certificate, the applicant shall be renewed as an  
18 emergency medical technician or an emergency medical responder,  
19 depending on the transition course that was successfully completed. Such  
20 individual shall not be required to file an original application for  
21 certification as an emergency medical technician or emergency medical  
22 responder.

23 (e) Failure to successfully complete either an advanced emergency  
24 medical technician transition course, an emergency medical technician  
25 transition course or emergency medical responder transition course will  
26 result in loss of certification.

27 (f) Upon transition, notwithstanding any other provision of law to the  
28 contrary, an advanced emergency medical technician may:

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

31 (2) perform any of the following interventions, by use of the devices,  
32 medications and equipment, or any combination thereof, as specifically  
33 identified in rules and regulations, after successfully completing an  
34 approved course of instruction, local specialized device training and  
35 competency validation and when authorized by medical protocols, or upon  
36 order when direct communication is maintained by radio, telephone or  
37 video conference with a physician, physician assistant where authorized by  
38 a physician, an advanced practice registered nurse ~~where authorized by a~~  
39 ~~physician~~, or licensed professional nurse where authorized by a physician  
40 upon order of such a person: (A) Continuous positive airway pressure  
41 devices; (B) advanced airway management; (C) referral of patient of  
42 alternate medical care site based on assessment; (D) transportation of a  
43 patient with a capped arterial line; (E) veni-puncture for obtaining blood

1 sample; (F) initiation and maintenance of intravenous infusion or saline  
2 lock; (G) initiation of intraosseous infusion; (H) nebulized therapy; (I)  
3 manual defibrillation and cardioversion; (J) cardiac monitoring; (K)  
4 electrocardiogram interpretation; (L) administration of generic or trade  
5 name medications by one or more of the following methods: (i)  
6 Aerosolization; (ii) nebulization; (iii) intravenous; (iv) intranasal; (v)  
7 rectal; (vi) subcutaneous; (vii) intraosseous; (viii) intramuscular; or (ix)  
8 sublingual.

9 (g) An individual who holds a valid certificate as both an emergency  
10 medical technician-intermediate and as an emergency medical technician-  
11 defibrillator once successfully completing the board prescribed transition  
12 course, and validation of cognitive and psychomotor competency as  
13 determined by rules and regulations of the board, may apply to transition  
14 to an advanced emergency medical technician. Alternatively, upon  
15 application for renewal, such individual shall be deemed to hold a  
16 certificate as an advanced emergency medical technician under this act,  
17 provided such individual has completed all continuing education hour  
18 requirements inclusive of successful completion of a transition course, and  
19 such individual shall not be required to file an original application for  
20 certification as an advanced emergency medical technician under this act.

21 (h) "Renewal" as used in subsection (g), refers to the first or second  
22 opportunity after December 31, 2011, that an emergency medical  
23 technician-intermediate and emergency medical technician-defibrillator  
24 has to apply for renewal of a certificate.

25 (i) An individual who holds both an emergency medical technician-  
26 intermediate certificate and an emergency medical technician-defibrillator  
27 certificate, who fails to meet the transition requirements as specified may  
28 complete either the board prescribed emergency medical technician  
29 transition course or emergency medical responder transition course, and  
30 provide validation of cognitive and psychomotor competency and all  
31 continuing education hour requirements inclusive of successful completion  
32 of a transition course as determined by rules and regulations of the board.  
33 Upon completion, such individual may apply to transition to become an  
34 emergency medical technician or emergency medical responder, depending  
35 on the transition course that was successfully completed. Alternatively,  
36 upon application for renewal of an emergency medical technician-  
37 intermediate certificate and an emergency medical technician-defibrillator  
38 certificate, the applicant shall be renewed as an emergency medical  
39 technician or an emergency medical responder, depending on the transition  
40 course that was successfully completed. Such individual shall not be  
41 required to file an original application for certification as an emergency  
42 medical technician or emergency medical responder.

43 (j) Failure to successfully complete either the advanced emergency

1 medical technician transition requirements, an emergency medical  
2 technician transition course or the emergency medical responder transition  
3 course will result in loss of certification.

4 Sec. 26. K.S.A. 2013 Supp. 65-6121 is hereby amended to read as  
5 follows: 65-6121. (a) Notwithstanding any other provision of law to the  
6 contrary, an emergency medical technician may perform any of the  
7 following activities:

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

1 protocols;

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

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

9 (b) An individual who holds a valid certificate as an emergency  
10 medical technician at the current basic level once successfully completing  
11 the board prescribed transition course, and validation of cognitive and  
12 psychomotor competency as determined by rules and regulations of the  
13 board, may apply to transition to become an emergency medical  
14 technician. Alternatively, upon application for renewal, such individual  
15 shall be deemed to hold a certificate as an emergency medical technician  
16 under this act, provided such individual has completed all continuing  
17 education hour requirements inclusive of successful completion of a  
18 transition course, and such individual shall not be required to file an  
19 original application for certification as an emergency medical technician.

20 (c) "Renewal" as used in subsection (b), refers to the first opportunity  
21 after December 31, 2011, that an emergency medical technician has to  
22 apply for renewal of a certificate following the effective date of this act.

23 (d) Emergency medical technicians who fail to meet the transition  
24 requirements as specified may successfully complete the board prescribed  
25 emergency medical responder transition course, provide validation of  
26 cognitive and psychomotor competency and all continuing education hour  
27 requirements inclusive of the successful completion of a transition course  
28 as determined by rules and regulations of the board. Alternatively, upon  
29 application for renewal of an emergency medical technician certificate, the  
30 applicant shall be deemed to hold a certificate as an emergency medical  
31 responder under this act, and such individual shall not be required to file  
32 an original application for certification as an emergency medical  
33 responder.

34 (e) Failure to successfully complete either an emergency medical  
35 technician transition course or emergency medical responder transition  
36 course will result in loss of certification.

37 (f) Upon transition, notwithstanding any other provision of law to the  
38 contrary, an emergency medical technician may perform any activities  
39 identified in K.S.A. 65-6144, and amendments thereto, and any of the  
40 following interventions, by use of the devices, medications and equipment,  
41 or any combination thereof, after successfully completing an approved  
42 course of instruction, local specialized device training and competency  
43 validation and when authorized by medical protocols, or upon order when

1 direct communication is maintained by radio, telephone or video  
2 conference is monitored by a physician, physician assistant when  
3 authorized by a physician, an advanced practice registered nurse ~~when~~  
4 ~~authorized by a physician~~ or a licensed professional nurse when authorized  
5 by a physician, upon order of such person:

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

24 Sec. 27. K.S.A. 2013 Supp. 65-6123 is hereby amended to read as  
25 follows: 65-6123. (a) Notwithstanding any other provision of law to the  
26 contrary, an emergency medical technician-defibrillator may:

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



1 medical technician-defibrillator once successfully completing an  
2 emergency medical technician-intermediate, initial course of instruction  
3 and the board prescribed transition course, and validation of cognitive and  
4 psychomotor competency as determined by rules and regulations of the  
5 board, may apply to transition to become an advanced emergency medical  
6 technician. Alternatively, upon application for renewal, such individual  
7 shall be deemed to hold a certificate as an advanced emergency medical  
8 technician under this act, provided such individual has completed all  
9 continuing education hour requirements inclusive of successful completion  
10 of a transition course, and such individual shall not be required to file an  
11 original application for certification as an advanced emergency medical  
12 technician.

13 (c) "Renewal" as used in subsection (b), refers to the second  
14 opportunity after December 31, 2011, that an attendant has to apply for  
15 renewal of a certificate.

16 (d) Emergency medical technician-defibrillator attendants who fail to  
17 meet the transition requirements as specified may complete either the  
18 board prescribed emergency medical technician transition course or  
19 emergency medical responder transition course, provide validation of  
20 cognitive and psychomotor competency provided such individual has  
21 completed all continuing education hour requirements inclusive of the  
22 successful completion of a transition course as determined by rules and  
23 regulations of the board. Upon completion, such emergency medical  
24 technician-defibrillator may apply to transition to become an emergency  
25 medical technician or an emergency medical responder, depending on the  
26 transition course that was successfully completed. Alternatively, upon  
27 application for renewal of an emergency medical technician-defibrillator  
28 certificate, the applicant shall be renewed as an emergency medical  
29 technician or an emergency medical responder, depending on the transition  
30 course that was successfully completed. Such individual shall not be  
31 required to file an original application for certification as an emergency  
32 medical technician or emergency medical responder.

33 (e) Failure to complete either the advanced emergency medical  
34 technician transition requirements, an emergency medical technician  
35 transition course or an emergency medical responder transition course will  
36 result in loss of certification.

37 Sec. 28. K.S.A. 2013 Supp. 65-6124 is hereby amended to read as  
38 follows: 65-6124. (a) No physician, physician assistant, advanced practice  
39 registered nurse or licensed professional nurse, who gives emergency  
40 instructions to an attendant as defined by K.S.A. 65-6112, and  
41 amendments thereto, during an emergency, shall be liable for any civil  
42 damages as a result of issuing the instructions, except such damages which  
43 may result from gross negligence in giving such instructions.

1 (b) No attendant as defined by K.S.A. 65-6112, and amendments  
2 thereto, who renders emergency care during an emergency pursuant to  
3 instructions given by a physician, *an advanced practice registered nurse*,  
4 the responsible physician for a physician assistant, ~~advanced practice~~  
5 ~~registered nurse~~ or licensed professional nurse shall be liable for civil  
6 damages as a result of implementing such instructions, except such  
7 damages which may result from gross negligence or by willful or wanton  
8 acts or omissions on the part of such attendant as defined by K.S.A. 65-  
9 6112, and amendments thereto.

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

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

20 Sec. 29. K.S.A. 2013 Supp. 65-6144 is hereby amended to read as  
21 follows: 65-6144. (a) A first responder may perform any of the following  
22 activities:

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

26 (2) cardiopulmonary resuscitation and airway management;

27 (3) control of bleeding;

28 (4) extremity splinting excluding traction splinting;

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

31 (6) oxygen therapy;

32 (7) use of oropharyngeal airways;

33 (8) use of bag valve masks;

34 (9) use automated external defibrillators; and

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

37 (b) An individual who holds a valid certificate as a first responder,  
38 once completing the board prescribed transition course, and validation of  
39 cognitive and psychomotor competency as determined by rules and  
40 regulations of the board, may apply to transition to become an emergency  
41 medical responder. Alternatively, upon application for renewal of such  
42 certificate, such individual shall be deemed to hold a certificate as an  
43 emergency medical responder under this act, provided such individual has

1 completed all continuing education hour requirements inclusive of a  
2 transition course and such individual shall not be required to file an  
3 original application for certification as an emergency medical responder.

4 (c) "Renewal" as used in subsection (b), refers to the first opportunity  
5 after December 31, 2011, that an attendant has to apply for renewal of a  
6 certificate.

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

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

31 Sec. 30. K.S.A. 2013 Supp. 65-7003 is hereby amended to read as  
32 follows: 65-7003. As used in K.S.A. 65-7001 through 65-7015, and  
33 amendments thereto:

34 (a) "Act" means the Kansas chemical control act;

35 (b) "administer" means the application of a regulated chemical  
36 whether by injection, inhalation, ingestion or any other means, directly  
37 into the body of a patient or research subject, such administration to be  
38 conducted by: (1) A practitioner, or in the practitioner's presence, by such  
39 practitioner's authorized agent; or

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

42 (c) "agent or representative" means a person who is authorized to  
43 receive, possess, manufacture or distribute or in any other manner control

- 1 or has access to a regulated chemical on behalf of another person;
- 2 (d) "bureau" means the Kansas bureau of investigation;
- 3 (e) "department" means the Kansas department of health and  
4 environment;
- 5 (f) "director" means the director of the Kansas bureau of  
6 investigation;
- 7 (g) "dispense" means to deliver a regulated chemical to an ultimate  
8 user, patient or research subject by, or pursuant to the lawful order of, a  
9 practitioner, including the prescribing, administering, packaging, labeling  
10 or compounding necessary to prepare the regulated chemical for that  
11 delivery;
- 12 (h) "distribute" means to deliver other than by administering or  
13 dispensing a regulated chemical;
- 14 (i) "manufacture" means to produce, prepare, propagate, compound,  
15 convert or process a regulated chemical directly or indirectly, by extraction  
16 from substances of natural origin, chemical synthesis or a combination of  
17 extraction and chemical synthesis, and includes packaging or repackaging  
18 of the substance or labeling or relabeling of its container. The term  
19 excludes the preparation, compounding, packaging, repackaging, labeling  
20 or relabeling of a regulated chemical:
- 21 (1) By a practitioner as an incident to the practitioner's administering  
22 or dispensing of a regulated chemical in the course of the practitioner's  
23 professional practice; or
- 24 (2) by a practitioner, or by the practitioner's authorized agent under  
25 the practitioner's supervision, for the purpose of, or as an incident to  
26 research, teaching or chemical analysis and not for sale;
- 27 (j) "person" means individual, corporation, business trust, estate,  
28 trust, partnership, association, joint venture, government, governmental  
29 subdivision or agency, or any other legal or commercial entity;
- 30 (k) "practitioner" means a person licensed to practice medicine and  
31 surgery, pharmacist, dentist, podiatrist, veterinarian, optometrist, *advanced*  
32 *practice registered nurse who is licensed pursuant to K.S.A. 65-1131, and*  
33 *amendments thereto, and who has authority to prescribe drugs in*  
34 *accordance with K.S.A. 65-1130, and amendments thereto, or scientific*  
35 *investigator or other person authorized by law to use a controlled*  
36 *substance in teaching or chemical analysis or to conduct research with*  
37 *respect to a controlled substance;*
- 38 (l) "regulated chemical" means a chemical that is used directly or  
39 indirectly to manufacture a controlled substance or other regulated  
40 chemical, or is used as a controlled substance analog, in violation of the  
41 state controlled substances act or this act. The fact that a chemical may be  
42 used for a purpose other than the manufacturing of a controlled substance  
43 or regulated chemical does not exempt it from the provisions of this act.

- 1 Regulated chemical includes:
- 2 (1) Acetic anhydride (CAS No. 108-24-7);
  - 3 (2) benzaldehyde (CAS No. 100-52-7);
  - 4 (3) benzyl chloride (CAS No. 100-44-7);
  - 5 (4) benzyl cyanide (CAS No. 140-29-4);
  - 6 (5) diethylamine and its salts (CAS No. 109-89-7);
  - 7 (6) ephedrine, its salts, optical isomers and salts of optical isomers
  - 8 (CAS No. 299-42-3), except products containing ephedra or ma huang,
  - 9 which do not contain any chemically synthesized ephedrine alkaloids, and
  - 10 are lawfully marketed as dietary supplements under federal law;
  - 11 (7) hydriodic acid (CAS No. 10034-85-2);
  - 12 (8) iodine (CAS No. 7553-56-2);
  - 13 (9) lithium (CAS No. 7439-93-2);
  - 14 (10) methylamine and its salts (CAS No. 74-89-5);
  - 15 (11) nitroethane (CAS No. 79-24-3);
  - 16 (12) chloroephedrine, its salts, optical isomers, and salts of optical
  - 17 isomers (CAS No. 30572-91-9);
  - 18 (13) phenylacetic acid, its esters and salts (CAS No. 103-82-2);
  - 19 (14) phenylpropanolamine, its salts, optical isomers, and salts of
  - 20 optical isomers (CAS No. 14838-15-4);
  - 21 (15) piperidine and its salts (CAS No. 110-89-4);
  - 22 (16) pseudoephedrine, its salts, optical isomers, and salts of optical
  - 23 isomers (CAS No. 90-82-4);
  - 24 (17) red phosphorous (CAS No. 7723-14-0);
  - 25 (18) sodium (CAS No. 7440-23-5); and
  - 26 (19) thionylchloride (CAS No. 7719-09-7);
  - 27 (20) gamma butyrolactone (GBL), including butyrolactone;
  - 28 butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone dihydro; dihydro-
  - 29 2(3H)-furanone; tetrahydro-2-furanone; 1,2-butanolide; 1,4-butanolide; 4-
  - 30 butanolide; gamma-hydroxybutyric acid lactone; 3-hydroxybutyric acid
  - 31 lactone and 4-hydroxybutanoic acid lactone; CAS No. 96-48-0; and
  - 32 (21) 1,4 butanediol, including butanediol; butane-1,4-diol; 1,4-
  - 33 butylene glycol; butylene glycol; 1,4-dihydroxybutane; 1,4-tetramethylene
  - 34 glycol; tetramethylene glycol; tetramethylene 1,4-diol; CAS No. 110-63-4;
  - 35 (m) "regulated chemical distributor" means any person subject to the
  - 36 provisions of the Kansas chemical control act who manufactures or
  - 37 distributes a regulated chemical;
  - 38 (n) "regulated chemical retailer" means any person who sells
  - 39 regulated chemicals directly to the public;
  - 40 (o) "regulated chemical transaction" means the manufacture of a
  - 41 regulated chemical or the distribution, sale, exchange or other transfer of a
  - 42 regulated chemical within or into the state or from this state into another
  - 43 state; and

- 1 (p) "secretary" means the secretary of health and environment.  
2 Sec. 31. K.S.A. 2013 Supp. 65-7302 is hereby amended to read as  
3 follows: 65-7302. As used in this act:
- 4 (a) "Board" means the state board of healing arts.  
5 (b) "Ionizing radiation" means x-rays, gamma rays, alpha and beta  
6 particles, high speed electrons, protons, neutrons and other nuclear  
7 particles capable of producing ions directly or indirectly in its passage  
8 through matter.  
9 (c) "License" means a certificate issued by the board authorizing the  
10 licensee to perform radiologic technology procedures on humans for  
11 diagnostic or therapeutic purposes.  
12 (d) "Licensed practitioner" means a person licensed to practice  
13 medicine and surgery, dentistry, podiatry—~~or~~, chiropractic *or advanced*  
14 *practice registered nursing* in this state.  
15 (e) "Licensure" and "licensing" mean a method of regulation by  
16 which the state grants permission to persons who meet predetermined  
17 qualifications to engage in a health related occupation or profession.  
18 (f) "Nuclear medicine technologist" means a person who uses radio  
19 pharmaceutical agents on humans for diagnostic or therapeutic purposes.  
20 (g) "Nuclear medicine technology" means the use of radio nuclides  
21 on human beings for diagnostic or therapeutic purposes.  
22 (h) "Radiation therapist" means a person who applies radiation to  
23 humans for therapeutic purposes.  
24 (i) "Radiation therapy" means the use of any radiation procedure or  
25 article intended for the cure, mitigation or prevention of disease in  
26 humans.  
27 (j) "Radiographer" means a person who applies radiation to humans  
28 for diagnostic purposes.  
29 (k) "Radiography" means the use of ionizing radiation on human  
30 beings for diagnostic purposes.  
31 (l) "Radiologic technologist" means any person who is a  
32 radiographer, radiation therapist or nuclear medicine technologist.  
33 (m) "Radiologic technology" means the use of radioactive substance  
34 or equipment emitting or detecting ionizing radiation on humans for  
35 diagnostic or therapeutic purposes upon prescription of a licensed  
36 practitioner. The term includes the practice of radiography, nuclear  
37 medicine technology and radiation therapy, but does not include  
38 echocardiography, diagnostic sonography and magnetic resonance  
39 imaging.  
40 (n) This section shall take effect on and after July 1, 2005.  
41 Sec. 32. K.S.A. 2013 Supp. 72-5213 is hereby amended to read as  
42 follows: 72-5213. (a) Every board of education shall require all employees  
43 of the school district, who come in regular contact with the pupils of the

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

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

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

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

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

9 Sec. 33. K.S.A. 2013 Supp. 75-7429 is hereby amended to read as  
10 follows: 75-7429. (a) As used in this section, "medical home" means a  
11 health care delivery model in which a patient establishes an ongoing  
12 relationship with a physician or other personal care provider in a  
13 physician-directed team, *or with an advanced practice registered nurse* to  
14 provide comprehensive, accessible and continuous evidence-based primary  
15 and preventive care, and to coordinate the patient's health care needs  
16 across the health care system in order to improve quality and health  
17 outcomes in a cost effective manner.

18 (b) The department of health and environment shall incorporate the  
19 use of the medical home delivery system within:

20 (1) The Kansas program of medical assistance established in  
21 accordance with title XIX of the federal social security act, 42 U.S.C. §  
22 1396 et seq., and amendments thereto;

23 (2) the health benefits program for children established under K.S.A.  
24 38-2001 et seq., and amendments thereto, and developed and submitted in  
25 accordance with federal guidelines established under title XXI of the  
26 federal social security act, section 4901 of public law 105-33, 42 U.S.C. §  
27 1397aa et seq., and amendments thereto; and

28 (3) the state mediKan program.

29 (c) The Kansas state employees health care commission established  
30 under K.S.A. 75-6502, and amendments thereto, shall incorporate the use  
31 of a medical home delivery system within the state health care benefits  
32 program as provided in K.S.A. 75-6501 through 75-6523, and amendments  
33 thereto. Except that compliance with a medical home delivery system shall  
34 not be required of program participants receiving treatment in accordance  
35 with a religious method of healing pursuant to the provisions of K.S.A.  
36 2013 Supp. 75-6501, and amendments thereto.

37 Sec. 34. K.S.A. 40-4602, 59-2976, 65-1660, 65-2892, 65-4134 and  
38 65-5502 and K.S.A. 2013 Supp. 39-923, 39-1401, 39-1430, 39-1504, 65-  
39 468, 65-1113, 65-1130, 65-1626, 65-1682, 65-2837a, 65-2921, 65-4101,  
40 65-4116, 65-4202, 65-5402, 65-5418, 65-6112, 65-6119, 65-6120, 65-  
41 6121, 65-6123, 65-6124, 65-6144, 65-7003, 65-7302, 72-5213 and 75-  
42 7429 are hereby repealed.

43 Sec. 35. This act shall take effect and be in force from and after July



1 1, 2015, and its publication in the statute book.