

*As Amended by Senate Committee*

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{As Amended by House Committee of the Whole}

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**As Amended by House Committee**

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*Session of 2018*

**HOUSE BILL No. 2496**

By Committee on Health and Human Services

1-18

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1 AN ACT concerning nursing; board of nursing; enacting the nurse  
2 licensure compact; authorizing criminal history record checks;  
3 **amending K.S.A. 65-1127 and K.S.A. 2017 Supp. 65-1113, 65-1117,**  
4 **65-1118, 65-1120 and 74-1106 and repealing the existing sections.**  
5

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

7 **New** Section 1. This ~~act~~ **section** shall be ~~known~~ **known** and may be  
8 cited as the nurse licensure compact.

9 Nurse Licensure Compact

10 ARTICLE I

11 FINDINGS AND DECLARATION OF PURPOSE

12 (a) The legislature of the state of Kansas finds that:

13 (1) The health and safety of the public are affected by the degree of  
14 compliance with and the effectiveness of enforcement activities related to  
15 state nurse licensure laws;

16 (2) violations of nurse licensure and other laws regulating the practice  
17 of nursing may result in injury or harm to the public;

18 (3) the expanded mobility of nurses and the use of advanced  
19 communication technologies as part of our nation's health care delivery  
20 system require greater coordination and cooperation among states in the  
21 areas of nurse licensure and regulation;

22 (4) new practice modalities and technology make compliance with  
23 individual state nurse licensure laws difficult and complex;

24 (5) the current system of duplicative licensure for nurses practicing in  
25 multiple states is cumbersome and redundant for both nurses and states;  
26 and

27 (6) uniformity of nurse licensure requirements among the states  
28 promotes public safety and public health benefits.

29 (b) The general purposes of this compact are to:

30 (1) Facilitate the states' responsibility to protect the public's health  
31 and safety;

32 (2) ensure and encourage the cooperation of party states in the areas

1 of nurse licensure and regulation;

2 (3) facilitate the exchange of information among party states in the  
3 areas of nurse regulation, investigation and adverse actions;

4 (4) promote compliance with the laws governing the practice of  
5 nursing in each jurisdiction;

6 (5) invest all party states with the authority to hold a nurse  
7 accountable for meeting all state practice laws in the state in which the  
8 patient is located at the time care is rendered through the mutual  
9 recognition of party-state licenses;

10 (6) decrease redundancies in the consideration and issuance of nurse  
11 licenses; and

12 (7) provide opportunities for interstate practice by nurses who meet  
13 uniform licensure requirements.

14 ARTICLE II

15 DEFINITIONS

16 As used in this compact:

17 (a) "Adverse action" means any administrative, civil, equitable or  
18 criminal action permitted by a state's laws which is imposed by a licensing  
19 board or other authority against a nurse, including actions against an  
20 individual's license or multistate licensure privilege, such as revocation,  
21 suspension, probation, monitoring of the licensee, limitation on the  
22 licensee's practice, or any other encumbrance on licensure affecting a  
23 nurse's authorization to practice, including issuance of a cease and desist  
24 action.

25 (b) "Alternative program" means a nondisciplinary monitoring  
26 program approved by a licensing board.

27 (c) "Commission" means the interstate commission of nurse licensure  
28 compact administrators.

29 (d) "Coordinated licensure information system" means an integrated  
30 process for collecting, storing and sharing information on nurse licensure  
31 and enforcement activities related to nurse licensure laws that is  
32 administered by a nonprofit organization composed of and controlled by  
33 licensing boards.

34 (e) "Current significant investigative information" means:

35 (1) Investigative information that a licensing board, after a  
36 preliminary inquiry that includes notification and an opportunity for the  
37 nurse to respond, if required by state law, has reason to believe is not  
38 groundless and, if proved true, would indicate more than a minor  
39 infraction; or

40 (2) investigative information that indicates that the nurse represents  
41 an immediate threat to public health and safety, regardless of whether the  
42 nurse has been notified and had an opportunity to respond.

43 (f) "Encumbrance" means a revocation or suspension of, or any

1 limitation on, the full and unrestricted practice of nursing imposed by a  
2 licensing board.

3 (g) "Home state" means the party state that is the nurse's primary state  
4 of residence.

5 (h) "Licensing board" means a party state's regulatory body  
6 responsible for issuing nurse licenses.

7 (i) "LPN/VN" means a licensed practical/vocational nurse.

8 (j) "Multistate license" means a license to practice as a registered or a  
9 licensed practical/vocational nurse (LPN/VN) issued by a home state  
10 licensing board that authorizes the licensed nurse to practice in all party  
11 states under a multistate licensure privilege.

12 (k) "Multistate licensure privilege" means a legal authorization  
13 associated with a multistate license permitting the practice of nursing as  
14 either a registered nurse (RN) or LPN/VN in a remote state.

15 (l) "Nurse" means RN or LPN/VN, as those terms are defined by each  
16 party state's practice laws.

17 (m) "Party state" means any state that has adopted this compact.

18 (n) "Remote state" means a party state, other than the home state.

19 (o) "RN" means a registered nurse.

20 (p) "Single-state license" means a nurse license issued by a party state  
21 that authorizes practice only within the issuing state and does not include a  
22 multistate licensure privilege to practice in any other party state.

23 (q) "State" means a state, territory or possession of the United States  
24 and the District of Columbia.

25 (r) "State practice laws" means a party state's laws, rules and  
26 regulations that govern the practice of nursing, define the scope of nursing  
27 practice, and create the methods and grounds for imposing discipline. State  
28 practice laws do not include requirements necessary to obtain and retain a  
29 license, except for qualifications or requirements of the home state.

### 30 ARTICLE III

#### 31 GENERAL PROVISIONS AND JURISDICTION

32 (a) A multistate license to practice registered or licensed  
33 practical/vocational nursing issued by a home state to a resident in that  
34 state will be recognized by each party state as authorizing a nurse to  
35 practice as an RN or as an LPN/VN, under a multistate licensure privilege,  
36 in each party state.

37 (b) A state must implement procedures for considering the criminal  
38 history records of applicants for an initial multistate license or licensure by  
39 endorsement. Such procedures shall include the submission of fingerprints  
40 or other biometric-based information by applicants for the purpose of  
41 obtaining an applicant's criminal history record information from the  
42 federal bureau of investigation and the agency responsible for retaining  
43 that state's criminal records.

1 (c) Each party state shall require the following for an applicant to  
2 obtain or retain a multistate license in the home state:

3 (1) Has met the home state's qualifications for licensure or renewal of  
4 licensure, as well as all other applicable state laws;

5 (2) (A) has graduated or is eligible to graduate from a licensing  
6 board-approved RN or LPN/VN precicensure education program; or

7 (B) has graduated from a foreign RN or LPN/VN precicensure  
8 education program that: (i) Has been approved by the authorized  
9 accrediting body in the applicable country; and (ii) has been verified by an  
10 independent credentials review agency to be comparable to a licensing  
11 board-approved precicensure education program;

12 (3) has, if a graduate of a foreign precicensure education program, not  
13 taught in English or, if English is not the individual's native language,  
14 successfully passed an English proficiency examination that includes the  
15 components of reading, speaking, writing and listening;

16 (4) has successfully passed an NCLEX-RN or NCLEX-PN  
17 examination or recognized predecessor, as applicable;

18 (5) is eligible for or holds an active unencumbered license;

19 (6) has submitted, in connection with an application for initial  
20 licensure or licensure by endorsement, fingerprints or other biometric data  
21 for the purpose of obtaining criminal history record information from the  
22 federal bureau of investigation and the Kansas bureau of investigation;

23 (7) has not been convicted or found guilty or has entered into an  
24 agreed disposition of a felony offense under applicable state or federal  
25 criminal law;

26 (8) has not been convicted or found guilty or has entered into an  
27 agreed disposition of a misdemeanor offense related to the practice of  
28 nursing as determined on a case-by-case basis;

29 (9) is not currently enrolled in an alternative program;

30 (10) is subject to self-disclosure requirements regarding current  
31 participation in an alternative program; and

32 (11) has a valid United States social security number.

33 (d) All party states shall be authorized, in accordance with existing  
34 state due process law, to take adverse action against a nurse's multistate  
35 licensure privilege, such as revocation, suspension, probation or any other  
36 action that affects a nurse's authorization to practice under a multistate  
37 licensure privilege, including cease and desist actions. If a party state takes  
38 such action, it shall promptly notify the administrator of the coordinated  
39 licensure information system. The administrator of the coordinated  
40 licensure information system shall promptly notify the home state of any  
41 such actions by remote states.

42 (e) A nurse practicing in a party state must comply with the state  
43 practice laws of the state in which the client is located at the time service is

1 provided. The practice of nursing is not limited to patient care, but shall  
2 include all nursing practice as defined by the state practice laws of the  
3 party state in which the client is located. The practice of nursing in a party  
4 state under a multistate licensure privilege will subject a nurse to the  
5 jurisdiction of the licensing board, the courts and the laws of the party  
6 state in which the client is located at the time service is provided.

7 (f) Individuals not residing in a party state shall continue to be able to  
8 apply for a party state's single-state license as provided under the laws of  
9 each party state. However, the single-state license granted to these  
10 individuals will not be recognized as granting the privilege to practice  
11 nursing in any other party state. Nothing in this compact shall affect the  
12 requirements established by a party state for the issuance of a single-state  
13 license.

14 (g) Any nurse holding a home state multistate license on the effective  
15 date of this compact may retain and renew the multistate license issued by  
16 the nurse's then-current home state, provided that:

17 (1) A nurse who changes such nurse's primary state of residence after  
18 this compact's effective date must meet all applicable article III(c)  
19 requirements to obtain a multistate license from a new home state.

20 (2) A nurse who fails to satisfy the multistate licensure requirements  
21 in article III(c) due to a disqualifying event occurring after this compact's  
22 effective date shall be ineligible to retain or renew a multistate license, and  
23 the nurse's multistate license shall be revoked or deactivated in accordance  
24 with applicable rules adopted by the commission.

#### 25 ARTICLE IV

#### 26 APPLICATIONS FOR LICENSURE IN A PARTY STATE

27 (a) Upon application for a multistate license, the licensing board in the  
28 issuing party state shall ascertain, through the coordinated licensure  
29 information system, whether the applicant has ever held, or is the holder  
30 of, a license issued by any other state, whether there are any encumbrances  
31 on any license or multistate licensure privilege held by the applicant,  
32 whether any adverse action has been taken against any license or  
33 multistate licensure privilege held by the applicant and whether the  
34 applicant is currently participating in an alternative program.

35 (b) A nurse may hold a multistate license, issued by the home state, in  
36 only one party state at a time.

37 (c) If a nurse changes primary state of residence by moving between  
38 two party states, the nurse must apply for licensure in the new home state,  
39 and the multistate license issued by the prior home state will be  
40 deactivated in accordance with applicable rules adopted by the  
41 commission.

42 (1) The nurse may apply for licensure in advance of a change in  
43 primary state of residence.

1 (2) A multistate license shall not be issued by the new home state  
2 until the nurse provides satisfactory evidence of a change in primary state  
3 of residence to the new home state and satisfies all applicable requirements  
4 to obtain a multistate license from the new home state.

5 (d) If a nurse changes primary state of residence by moving from a  
6 party state to a nonparty state, the multistate license issued by the prior  
7 home state will convert to a single-state license, valid only in the former  
8 home state.

9 ARTICLE V

10 ADDITIONAL AUTHORITIES INVESTED

11 IN PARTY-STATE LICENSING BOARDS

12 (a) In addition to the other powers conferred by state law, a licensing  
13 board shall have the authority to:

14 (1) Take adverse action against a nurse's multistate licensure privilege  
15 to practice within that party state:

16 (A) Only the home state shall have the power to take adverse action  
17 against a nurse's license issued by the home state; and

18 (B) for purposes of taking adverse action, the home-state licensing  
19 board shall give the same priority and effect to reported conduct received  
20 from a remote state as it would if such conduct had occurred within the  
21 home state. In so doing, the home state shall apply its own state laws to  
22 determine appropriate action;

23 (2) issue cease and desist orders or impose an encumbrance on a  
24 nurse's authority to practice within that party state;

25 (3) complete any pending investigations of a nurse who changes  
26 primary state of residence during the course of such investigations. The  
27 licensing board shall also have the authority to take appropriate actions  
28 and shall promptly report the conclusions of such investigations to the  
29 administrator of the coordinated licensure information system. The  
30 administrator of the coordinated licensure information system shall  
31 promptly notify the new home state of any such actions;

32 (4) issue subpoenas for both hearings and investigations that require  
33 the attendance and testimony of witnesses, as well as the production of  
34 evidence. Subpoenas issued by a licensing board in a party state for the  
35 attendance and testimony of witnesses or the production of evidence from  
36 another party state shall be enforced in the latter state by any court of  
37 competent jurisdiction, according to the practice and procedure of that  
38 court applicable to subpoenas issued in proceedings pending before it. The  
39 issuing authority shall pay any witness fees, travel expenses, mileage and  
40 other fees required by the service statutes of the state in which the  
41 witnesses or evidence are located;

42 (5) obtain and submit, for each nurse licensure applicant, fingerprint  
43 or other biometric-based information to the federal bureau of investigation

1 for criminal background checks, receive the results of the federal bureau of  
2 investigation record search on criminal background checks and use the  
3 results in making licensure decisions;

4 (6) if otherwise permitted by state law, recover from the affected  
5 nurse the costs of investigations and disposition of cases resulting from  
6 any adverse action taken against that nurse; and

7 (7) take adverse action based on the factual findings of the remote  
8 state, provided that the licensing board follows its own procedures for  
9 taking such adverse action.

10 (b) If adverse action is taken by the home state against a nurse's  
11 multistate license, the nurse's multistate licensure privilege to practice in  
12 all other party states shall be deactivated until all encumbrances have been  
13 removed from the multistate license. All home-state disciplinary orders  
14 that impose adverse action against a nurse's multistate license shall include  
15 a statement that the nurse's multistate licensure privilege is deactivated in  
16 all party states during the pendency of the order.

17 (c) Nothing in this compact shall override a party state's decision that  
18 participation in an alternative program may be used in lieu of adverse  
19 action. The home-state licensing board shall deactivate the multistate  
20 licensure privilege under the multistate license of any nurse for the  
21 duration of the nurse's participation in an alternative program.

## 22 ARTICLE VI

### 23 COORDINATED LICENSURE INFORMATION 24 SYSTEM AND EXCHANGE OF INFORMATION

25 (a) All party states shall participate in a coordinated licensure  
26 information system of all licensed RNs and LPNs/VNs. This system will  
27 include information on the licensure and disciplinary history of each nurse,  
28 as submitted by party states, to assist in the coordination of nurse licensure  
29 and enforcement efforts.

30 (b) The commission, in consultation with the administrator of the  
31 coordinated licensure information system, shall formulate necessary and  
32 proper procedures for the identification, collection and exchange of  
33 information under this compact.

34 (c) All licensing boards shall promptly report to the coordinated  
35 licensure information system any adverse action, any current significant  
36 investigative information, denials of applications, with the reasons for such  
37 denials, and nurse participation in alternative programs known to the  
38 licensing board regardless of whether such participation is deemed  
39 nonpublic or confidential under state law.

40 (d) Current significant investigative information and participation in  
41 nonpublic or confidential alternative programs shall be transmitted through  
42 the coordinated licensure information system only to party-state licensing  
43 boards.

1 (e) Notwithstanding any other provision of law, all party-state  
2 licensing boards contributing information to the coordinated licensure  
3 information system may designate information, which may not be shared  
4 with non-party states or disclosed to other entities or individuals without  
5 the express permission of the contributing state.

6 (f) Any personally identifiable information obtained from the  
7 coordinated licensure information system by a party-state licensing board  
8 shall not be shared with non-party states or disclosed to other entities or  
9 individuals except to the extent permitted by the laws of the party state  
10 contributing the information.

11 (g) Any information contributed to the coordinated licensure  
12 information system that is subsequently required to be expunged by the  
13 laws of the party state contributing that information shall also be expunged  
14 from the coordinated licensure information system.

15 (h) The compact administrator of each party state shall furnish a  
16 uniform data set to the compact administrator of each other party state,  
17 which shall include, at a minimum:

18 (1) Identifying information;  
19 (2) licensure data;  
20 (3) information related to alternative program participation; and  
21 (4) other information that may facilitate the administration of this  
22 compact, as determined by commission rules.

23 (i) The compact administrator of a party state shall provide all  
24 investigative documents and information requested by another party state.

#### 25 ARTICLE VII

#### 26 ESTABLISHMENT OF THE INTERSTATE COMMISSION 27 OF NURSE LICENSURE COMPACT ADMINISTRATORS

28 (a) The party states hereby create and establish a joint public entity  
29 known as the interstate commission of nurse licensure compact  
30 administrators.

31 (1) The commission is an instrumentality of the party states.

32 (2) Venue is proper, and judicial proceedings by or against the  
33 commission shall be brought solely and exclusively in a court of  
34 competent jurisdiction where the principal office of the commission is  
35 located. The commission may waive venue and jurisdictional defenses to  
36 the extent it adopts or consents to participate in alternative dispute  
37 resolution proceedings.

38 (3) Nothing in this compact shall be construed to be a waiver of  
39 sovereign immunity.

40 (b) Membership, voting and meetings:

41 (1) Each party-state shall have and be limited to one administrator.  
42 The head of the state licensing board or designee shall be the administrator  
43 of this compact for each party state. Any administrator may be removed or



1 suspended from office as provided by the laws of the state from which the  
2 administrator is appointed. Any vacancy occurring in the commission shall  
3 be filled in accordance with the laws of the party state in which the  
4 vacancy exists.

5 (2) Each administrator shall be entitled to one vote with regard to the  
6 promulgation of rules and creation of bylaws and shall otherwise have an  
7 opportunity to participate in the business and affairs of the commission. An  
8 administrator shall vote in person or by such other means as provided in  
9 the bylaws. The bylaws may provide for an administrator's participation in  
10 meetings by telephone or other means of communication.

11 (3) The commission shall meet at least once during each calendar  
12 year. Additional meetings shall be held as set forth in the bylaws or rules  
13 of the commission.

14 (4) All meetings shall be open to the public, and public notice of  
15 meetings shall be given in the same manner as required under the  
16 rulemaking provisions in article VIII of this compact.

17 (5) The commission may convene in a closed, nonpublic meeting if  
18 the commission must discuss:

19 (A) Noncompliance of a party state with its obligations under this  
20 compact;

21 (B) the employment, compensation, discipline or other personnel  
22 matters, practices or procedures related to specific employees or other  
23 matters related to the commission's internal personnel practices and  
24 procedures;

25 (C) current, threatened or reasonably anticipated litigation;

26 (D) negotiation of contracts for the purchase or sale of goods,  
27 services or real estate;

28 (E) accusing any person of a crime or formally censuring any person;

29 (F) disclosure of trade secrets or commercial or financial information  
30 that is privileged or confidential;

31 (G) disclosure of information of a personal nature where disclosure  
32 would constitute a clearly unwarranted invasion of personal privacy;

33 (H) disclosure of investigatory records compiled for law enforcement  
34 purposes;

35 (I) disclosure of information related to any reports prepared by or on  
36 behalf of the commission for the purpose of investigation of compliance  
37 with this compact; or

38 (J) matters specifically exempted from disclosure by federal or state  
39 statute.

40 (6) If a meeting, or portion of a meeting, is closed pursuant to this  
41 provision, the commission's legal counsel or designee shall certify that the  
42 meeting may be closed and shall reference each relevant exempting  
43 provision. The commission shall keep minutes that fully and clearly

1 describe all matters discussed in a meeting and shall provide a full and  
2 accurate summary of actions taken, and the reasons therefor, including a  
3 description of the views expressed. All documents considered in  
4 connection with an action shall be identified in such minutes. All minutes  
5 and documents of a closed meeting shall remain under seal, subject to  
6 release by a majority vote of the commission or order of a court of  
7 competent jurisdiction.

8 (c) The commission shall, by a majority vote of the administrators,  
9 prescribe bylaws or rules to govern its conduct as may be necessary or  
10 appropriate to carry out the purposes and exercise the powers of this  
11 compact, including, but not limited to:

12 (1) Establishing the fiscal year of the commission;

13 (2) providing reasonable standards and procedures:

14 (A) For the establishment and meetings of other committees; and

15 (B) governing any general or specific delegation of any authority or  
16 function of the commission;

17 (3) providing reasonable procedures for calling and conducting  
18 meetings of the commission, ensuring reasonable advance notice of all  
19 meetings and providing an opportunity for attendance of such meetings by  
20 interested parties, with enumerated exceptions designed to protect the  
21 public's interest, the privacy of individuals, and proprietary information,  
22 including trade secrets. The commission may meet in closed session only  
23 after a majority of the administrators vote to close a meeting in whole or in  
24 part. As soon as practicable, the commission must make public a copy of  
25 the vote to close the meeting revealing the vote of each administrator, with  
26 no proxy votes allowed;

27 (4) establishing the titles, duties and authority and reasonable  
28 procedures for the election of the officers of the commission;

29 (5) providing reasonable standards and procedures for the  
30 establishment of the personnel policies and programs of the commission.  
31 Notwithstanding any civil service or other similar laws of any party state,  
32 the bylaws shall exclusively govern the personnel policies and programs of  
33 the commission; and

34 (6) providing a mechanism for winding up the operations of the  
35 commission and the equitable disposition of any surplus funds that may  
36 exist after the termination of this compact after the payment or reserving  
37 of all of its debts and obligations.

38 (d) The commission shall publish its bylaws and rules, and any  
39 amendments thereto, in a convenient form on the website of the  
40 commission.

41 (e) The commission shall maintain its financial records in accordance  
42 with the bylaws.

43 (f) The commission shall meet and take such actions as are consistent

1 with the provisions of this compact and the bylaws.

2 (g) The commission shall have the following powers:

3 (1) To promulgate uniform rules to facilitate and coordinate  
4 implementation and administration of this compact. The rules shall have  
5 the force and effect of law and shall be binding in all party states;

6 (2) to bring and prosecute legal proceedings or actions in the name of  
7 the commission, provided that the standing of any licensing board to sue or  
8 be sued under applicable law shall not be affected;

9 (3) to purchase and maintain insurance and bonds;

10 (4) to borrow, accept or contract for services of personnel, including,  
11 but not limited to, employees of a party state or nonprofit organizations;

12 (5) to cooperate with other organizations that administer state  
13 compacts related to the regulation of nursing, including, but not limited to,  
14 sharing administrative or staff expenses, office space or other resources;

15 (6) to hire employees, elect or appoint officers, fix compensation,  
16 define duties, grant such individuals appropriate authority to carry out the  
17 purposes of this compact, and to establish the commission's personnel  
18 policies and programs relating to conflicts of interest, qualifications of  
19 personnel and other related personnel matters;

20 (7) to accept any and all appropriate donations, grants and gifts of  
21 money, equipment, supplies, materials and services, and to receive, utilize  
22 and dispose of the same, provided that at all times the commission shall  
23 avoid any appearance of impropriety or conflict of interest;

24 (8) to lease, purchase, accept appropriate gifts or donations of, or  
25 otherwise to own, hold, improve or use, any property, whether real,  
26 personal or mixed, provided that at all times the commission shall avoid  
27 any appearance of impropriety;

28 (9) to sell, convey, mortgage, pledge, lease, exchange, abandon or  
29 otherwise dispose of any property, whether real, personal or mixed;

30 (10) to establish a budget and make expenditures;

31 (11) to borrow money;

32 (12) to appoint committees, including advisory committees comprised  
33 of administrators, state nursing regulators, state legislators or their  
34 representatives, and consumer representatives, and other such interested  
35 persons;

36 (13) to provide and receive information from, and to cooperate with,  
37 law enforcement agencies;

38 (14) to adopt and use an official seal; and

39 (15) to perform such other functions as may be necessary or  
40 appropriate to achieve the purposes of this compact consistent with the  
41 state regulation of nurse licensure and practice.

42 (h) Financing of the commission:

43 (1) The commission shall pay, or provide for the payment of, the

1 reasonable expenses of its establishment, organization and ongoing  
2 activities;

3 (2) the commission may also levy on and collect an annual  
4 assessment from each party state to cover the cost of its operations,  
5 activities and staff in its annual budget as approved each year. The  
6 aggregate annual assessment amount, if any, shall be allocated based upon  
7 a formula to be determined by the commission, which shall promulgate a  
8 rule that is binding upon all party states;

9 (3) the commission shall not incur obligations of any kind prior to  
10 securing the funds adequate to meet the same, nor shall the commission  
11 pledge the credit of any of the party states, except by and with the  
12 authority of such party state; and

13 (4) the commission shall keep accurate accounts of all receipts and  
14 disbursements. The receipts and disbursements of the commission shall be  
15 subject to the audit and accounting procedures established under its  
16 bylaws. However, all receipts and disbursements of funds handled by the  
17 commission shall be audited yearly by a certified or licensed public  
18 accountant, and the report of the audit shall be included in and become  
19 part of the annual report of the commission.

20 (i) Qualified immunity, defense and indemnification:

21 (1) The administrators, officers, executive director, employees and  
22 representatives of the commission shall be immune from suit and liability,  
23 either personally or in their official capacity, for any claim for damage to  
24 or loss of property or personal injury or other civil liability caused by or  
25 arising out of any actual or alleged act, error or omission that occurred, or  
26 that the person against whom the claim is made had a reasonable basis for  
27 believing occurred, within the scope of commission employment, duties or  
28 responsibilities, provided that nothing in this paragraph shall be construed  
29 to protect any such person from suit or liability for any damage, loss,  
30 injury or liability caused by the intentional, willful or wanton misconduct  
31 of that person.

32 (2) The commission shall defend any administrator, officer, executive  
33 director, employee or representative of the commission in any civil action  
34 seeking to impose liability arising out of any actual or alleged act, error or  
35 omission that occurred within the scope of commission employment,  
36 duties or responsibilities, or that the person against whom the claim is  
37 made had a reasonable basis for believing occurred within the scope of  
38 commission employment, duties or responsibilities, provided that the  
39 actual or alleged act, error or omission did not result from that person's  
40 intentional, willful or wanton misconduct and provided further that  
41 nothing herein shall be construed to prohibit that person from retaining  
42 such person's own counsel.

43 (3) The commission shall indemnify and hold harmless any

1 administrator, officer, executive director, employee or representative of the  
2 commission for the amount of any settlement or judgment obtained against  
3 that person arising out of any actual or alleged act, error or omission that  
4 occurred within the scope of commission employment, duties or  
5 responsibilities, or that such person had a reasonable basis for believing  
6 occurred within the scope of commission employment, duties or  
7 responsibilities, provided that the actual or alleged act, error or omission  
8 did not result from the intentional, willful or wanton misconduct of that  
9 person.

10 ARTICLE VIII

11 RULEMAKING

12 (a) The commission shall exercise its rulemaking powers pursuant to  
13 the criteria set forth in this article and the rules adopted thereunder. Rules  
14 and amendments shall become binding as of the date specified in each rule  
15 or amendment and shall have the same force and effect as provisions of  
16 this compact.

17 (b) Rules or amendments to the rules shall be adopted at a regular or  
18 special meeting of the commission.

19 (c) Prior to promulgation and adoption of a final rule or rules by the  
20 commission, and at least 60 days in advance of the meeting at which the  
21 rule will be considered and voted upon, the commission shall file a notice  
22 of proposed rulemaking:

23 (1) On the website of the commission; and

24 (2) on the website of each licensing board or the publication in which  
25 each state would otherwise publish proposed rules.

26 (d) The notice of proposed rulemaking shall include:

27 (1) The proposed time, date and location of the meeting in which the  
28 rule will be considered and voted upon;

29 (2) the text of the proposed rule or amendment, and the reason for the  
30 proposed rule;

31 (3) a request for comments on the proposed rule from any interested  
32 person; and

33 (4) the manner in which interested persons may submit notice to the  
34 commission of their intention to attend the public hearing and any written  
35 comments.

36 (e) Prior to adoption of a proposed rule, the commission shall allow  
37 persons to submit written data, facts, opinions and arguments, which shall  
38 be made available to the public.

39 (f) The commission shall grant an opportunity for a public hearing  
40 before it adopts a rule or amendment.

41 (g) The commission shall publish the place, time and date of the  
42 scheduled public hearing.

43 (1) Hearings shall be conducted in a manner providing each person

1 who wishes to comment a fair and reasonable opportunity to comment  
2 orally or in writing. All hearings will be recorded, and a copy will be made  
3 available upon request.

4 (2) Nothing in this article shall be construed as requiring a separate  
5 hearing on each rule. Rules may be grouped for the convenience of the  
6 commission at hearings required by this article.

7 (h) If no one appears at the public hearing, the commission may  
8 proceed with promulgation of the proposed rule.

9 (i) Following the scheduled hearing date, or by the close of business  
10 on the scheduled hearing date if the hearing was not held, the commission  
11 shall consider all written and oral comments received.

12 (j) The commission shall, by majority vote of all administrators, take  
13 final action on the proposed rule and shall determine the effective date of  
14 the rule, if any, based on the rulemaking record and the full text of the rule.

15 (k) Upon determination that an emergency exists, the commission  
16 may consider and adopt an emergency rule without prior notice,  
17 opportunity for comment or hearing, provided that the usual rulemaking  
18 procedures provided in this compact and in this article shall be  
19 retroactively applied to the rule as soon as reasonably possible, and in no  
20 event later than 90 days after the effective date of the rule. For the  
21 purposes of this provision, an emergency rule is one that must be adopted  
22 immediately in order to:

23 (1) Meet an imminent threat to public health, safety or welfare;

24 (2) prevent a loss of commission or party state funds; or

25 (3) meet a deadline for the promulgation of an administrative rule that  
26 is required by federal law or rule.

27 (l) The commission may direct revisions to a previously adopted rule  
28 or amendment for purposes of correcting typographical errors, errors in  
29 format, errors in consistency or grammatical errors. Public notice of any  
30 revisions shall be posted on the website of the commission. The revision  
31 shall be subject to challenge by any person for a period of 30 days after  
32 posting. The revision may be challenged only on grounds that the revision  
33 results in a material change to a rule. A challenge shall be made in writing  
34 and delivered to the commission prior to the end of the notice period. If no  
35 challenge is made, the revision will take effect without further action. If  
36 the revision is challenged, the revision may not take effect without the  
37 approval of the commission.

#### 38 ARTICLE IX

#### 39 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

##### 40 (a) Oversight:

41 (1) Each party state shall enforce this compact and take all actions  
42 necessary and appropriate to effectuate this compact's purposes and intent.

43 (2) The commission shall be entitled to receive service of process in

1 any proceeding that may affect the powers, responsibilities or actions of  
2 the commission, and shall have standing to intervene in such a proceeding  
3 for all purposes. Failure to provide service of process in such proceeding  
4 to the commission shall render a judgment or order void as to the  
5 commission, this compact or promulgated rules.

6 (b) Default, technical assistance and termination:

7 (1) If the commission determines that a party state has defaulted in  
8 the performance of its obligations or responsibilities under this compact or  
9 the promulgated rules, the commission shall:

10 (A) Provide written notice to the defaulting state and other party  
11 states of the nature of the default, the proposed means of curing the default  
12 or any other action to be taken by the commission; and

13 (B) provide remedial training and specific technical assistance  
14 regarding the default.

15 (2) If a state in default fails to cure the default, the defaulting state's  
16 membership in this compact may be terminated upon an affirmative vote  
17 of a majority of the administrators, and all rights, privileges and benefits  
18 conferred by this compact may be terminated on the effective date of  
19 termination. A cure of the default does not relieve the offending state of  
20 obligations or liabilities incurred during the period of default.

21 (3) Termination of membership in this compact shall be imposed only  
22 after all other means of securing compliance have been exhausted. notice  
23 of intent to suspend or terminate shall be given by the commission to the  
24 governor of the defaulting state and to the executive officer of the  
25 defaulting state's licensing board and each of the party states.

26 (4) A state whose membership in this compact has been terminated is  
27 responsible for all assessments, obligations and liabilities incurred through  
28 the effective date of termination, including obligations that extend beyond  
29 the effective date of termination.

30 (5) The commission shall not bear any costs related to a state that is  
31 found to be in default or whose membership in this compact has been  
32 terminated unless agreed upon in writing between the commission and the  
33 defaulting state.

34 (6) The defaulting state may appeal the action of the commission by  
35 petitioning the U.S. District Court for the District of Columbia or the  
36 federal district in which the commission has its principal offices. The  
37 prevailing party shall be awarded all costs of such litigation, including  
38 reasonable attorney fees.

39 (c) Dispute resolution:

40 (1) Upon request by a party state, the commission shall attempt to  
41 resolve disputes related to the compact that arise among party states and  
42 between party and non-party-states.

43 (2) The commission shall promulgate a rule providing for both

1 mediation and binding dispute resolution for disputes, as appropriate.

2 (3) In the event the commission cannot resolve disputes among party  
3 states arising under this compact:

4 (A) The party states may submit the issues in dispute to an arbitration  
5 panel, which will be comprised of individuals appointed by the compact  
6 administrator in each of the affected party states and an individual  
7 mutually agreed upon by the compact administrators of all the party states  
8 involved in the dispute.

9 (B) The decision of a majority of the arbitrators shall be final and  
10 binding.

11 (d) Enforcement:

12 (1) The commission, in the reasonable exercise of its discretion, shall  
13 enforce the provisions and rules of this compact.

14 (2) By majority vote, the commission may initiate legal action in the  
15 U.S. District Court for the District of Columbia or the federal district in  
16 which the commission has its principal offices against a party state that is  
17 in default to enforce compliance with the provisions of this compact and  
18 its promulgated rules and bylaws. The relief sought may include both  
19 injunctive relief and damages. In the event judicial enforcement is  
20 necessary, the prevailing party shall be awarded all costs of such litigation,  
21 including reasonable attorney fees.

22 (3) The remedies herein shall not be the exclusive remedies of the  
23 commission. The commission may pursue any other remedies available  
24 under federal or state law.

## 25 ARTICLE X

### 26 EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

27 (a) This compact shall become effective and binding on the earlier of  
28 the date of legislative enactment of this compact into law by no less than  
29 26 states or December 31, 2018. All party states to this compact that also  
30 were parties to the prior nurse licensure compact superseded by this  
31 compact, prior compact, shall be deemed to have withdrawn from such  
32 prior compact within six months after the effective date of this compact.

33 (b) Each party state to this compact shall continue to recognize a  
34 nurse's multistate licensure privilege to practice in that party state issued  
35 under the prior compact until such party state has withdrawn from the  
36 prior compact.

37 (c) Any party state may withdraw from this compact by enacting a  
38 statute repealing the same. A party state's withdrawal shall not take effect  
39 until six months after enactment of the repealing statute.

40 (d) A party state's withdrawal or termination shall not affect the  
41 continuing requirement of the withdrawing or terminated state's licensing  
42 board to report adverse actions and significant investigations occurring  
43 prior to the effective date of such withdrawal or termination.



1 (e) Nothing contained in this compact shall be construed to invalidate  
2 or prevent any nurse licensure agreement or other cooperative arrangement  
3 between a party state and a non-party state that is made in accordance with  
4 the other provisions of this compact.

5 (f) This compact may be amended by the party states. No amendment  
6 to this compact shall become effective and binding upon the party states  
7 unless and until it is enacted into the laws of all party states.

8 (g) Representatives of non-party states to this compact shall be  
9 invited to participate in the activities of the commission, on a nonvoting  
10 basis, prior to the adoption of this compact by all states.

#### 11 ARTICLE XI

#### 12 CONSTRUCTION AND SEVERABILITY

13 This compact shall be liberally construed so as to effectuate the  
14 purposes thereof. The provisions of this compact shall be severable, and if  
15 any phrase, clause, sentence or provision of this compact is declared to be  
16 contrary to the constitution of any party state or of the United States, or if  
17 the applicability thereof to any government, agency, person or  
18 circumstance is held invalid, the validity of the remainder of this compact  
19 and the applicability thereof to any government, agency, person or  
20 circumstance shall not be affected thereby. If this compact shall be held to  
21 be contrary to the constitution of any party state, this compact shall remain  
22 in full force and effect as to the remaining party states and in full force and  
23 effect as to the party state affected as to all severable matters.

24 **Sec. 2. K.S.A. 2017 Supp. 65-1113 is hereby amended to read as**  
25 **follows: 65-1113. When used in this act and the act of which this**  
26 **section is amendatory:**

27 (a) **"Board" means the board of nursing.**

28 (b) **"Diagnosis" in the context of nursing practice means that**  
29 **identification of and discrimination between physical and psychosocial**  
30 **signs and symptoms essential to effective execution and management**  
31 **of the nursing regimen and shall be construed as distinct from a**  
32 **medical diagnosis.**

33 (c) **"Treatment" means the selection and performance of those**  
34 **therapeutic measures essential to effective execution and management**  
35 **of the nursing regimen, and any prescribed medical regimen.**

36 (d) ***Practice of nursing.* (1) The practice of professional nursing as**  
37 **performed by a registered professional nurse for compensation or**  
38 **gratuitously, except as permitted by K.S.A. 65-1124, and amendments**  
39 **thereto, means the process in which substantial specialized knowledge**  
40 **derived from the biological, physical, and behavioral sciences is**  
41 **applied to: the care, diagnosis, treatment, counsel and health teaching**  
42 **of persons who are experiencing changes in the normal health**  
43 **processes or who require assistance in the maintenance of health or**

1 the prevention or management of illness, injury or infirmity;  
2 administration, supervision or teaching of the process as defined in  
3 this section; and the execution of the medical regimen as prescribed by  
4 a person licensed to practice medicine and surgery or a person  
5 licensed to practice dentistry.

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

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

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

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

26 (h) *"Continuing nursing education" means learning experiences*  
27 *intended to build upon the educational and experiential bases of the*  
28 *registered professional and licensed practical nurse for the enhancement*  
29 *of practice, education, administration, research or theory development to*  
30 *the end of improving the health of the public.*

31 **Sec. 3. K.S.A. 2017 Supp. 65-1117 is hereby amended to read as**  
32 **follows: 65-1117. (a) All licenses issued under the provisions of this act,**  
33 **whether initial or renewal, including multi-state licenses under the nurse**  
34 **licensure compact, shall expire every two years. The expiration date**  
35 **shall be established by the rules and regulations of the board. Any**  
36 **licensed nurse may file a multi-state license application together with the**  
37 **prescribed multi-state license fee at any time the nurse holds an active**  
38 **license. The board shall send a notice for renewal of license to every**  
39 **registered professional nurse and licensed practical nurse at least 60**  
40 **days prior to the expiration date of such person's license. Every**  
41 **person so licensed who desires to renew such license shall file with the**  
42 **board, on or before the date of expiration of such license, a renewal**  
43 **application together with the prescribed biennial renewal fee. Every**

1 licensee who is no longer engaged in the active practice of nursing may  
2 so state by affidavit and submit such affidavit with the renewal  
3 application. An inactive license may be requested along with payment  
4 of a fee which shall be fixed by rules and regulations of the board.  
5 Except for the first renewal for a license that expires within 30 months  
6 following licensure examination or for renewal of a license that expires  
7 within the first nine months following licensure by reinstatement or  
8 endorsement, every licensee with an active nursing license shall  
9 submit with the renewal application evidence of satisfactory  
10 completion of a program of continuing nursing education required by  
11 the board. The board by duly adopted rules and regulations shall  
12 establish the requirements for such program of continuing nursing  
13 education. ~~Continuing nursing education means learning experiences~~  
14 ~~intended to build upon the educational and experiential bases of the~~  
15 ~~registered professional and licensed practical nurse for the enhancement of~~  
16 ~~practice, education, administration, research or theory development to the~~  
17 ~~end of improving the health of the public. Upon receipt of such~~  
18 ~~application, payment of fee, upon receipt of the evidence of~~  
19 ~~satisfactory completion of the required program of continuing nursing~~  
20 ~~education and upon being satisfied that the applicant meets the~~  
21 ~~requirements set forth in K.S.A. 65-1115 or 65-1116, and amendments~~  
22 ~~thereto, in effect at the time of initial licensure of the applicant, the~~  
23 ~~board shall verify the accuracy of the application and grant a renewal~~  
24 ~~license.~~

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

37 (c) ~~Any person whose license as a registered professional nurse has~~  
38 ~~lapsed for a period of more than 13 years beyond its expiration date and~~  
39 ~~who has been employed for at least 10 of the last 13 years in an allied~~  
40 ~~health profession which employment required substantially comparable~~  
41 ~~patient care to that of care provided by a registered professional nurse may~~  
42 ~~apply for reinstatement as a registered professional nurse and shall not be~~  
43 ~~required to complete a refresher course as established by the board, but~~

1 shall be reinstated as a registered professional nurse by the board upon  
 2 application to the board for reinstatement of such license on a form  
 3 provided by the board, upon presentation to the board of an affidavit from  
 4 such person detailing such person's work history, upon determination by  
 5 the board that the work history with regard to patient care is substantially  
 6 comparable to patient care provided by a registered professional nurse,  
 7 upon determination by the board that such person is otherwise qualified to  
 8 be licensed as a registered professional nurse and upon paying to the board  
 9 the reinstatement fee established by the board. This subsection shall expire  
 10 on January 1, 2012.

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

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

25 ~~(d) Every person who holds a multi-state license under the nurse-~~  
 26 ~~licensure compact and who engages in the practice of nursing in Kansas~~  
 27 ~~shall notify the board of the person's address and other matters as may be~~  
 28 ~~required by the board. The notification shall be in a manner as required by~~  
 29 ~~the board. The board shall adopt rules and regulations to implement the~~  
 30 ~~provisions of this subsection~~ *Persons holding a multi-state license*  
 31 *under the nurse licensure compact and who engage in the practice of*  
 32 *nursing in Kansas may be requested by the board to voluntarily provide*  
 33 *workforce-related information as reasonably determined by the board.*  
 34 *Refusal to voluntarily provide such information shall not be a basis for*  
 35 *disciplinary action against or restriction of the multi-state license of any*  
 36 *such person.*

37 Sec. 4. K.S.A. 2017 Supp. 65-1118 is hereby amended to read as  
 38 follows: 65-1118. (a) The board shall collect in advance fees provided  
 39 for in this act as fixed by the board, but not exceeding:

40 Application for single-state license—professional nurse.....	\$75	\$150
41 Application for single-state license—practical nurse.....	50	100
42 Application for single-state biennial renewal of license—professional		
43 nurse and practical nurse.....	60	120

1	<b>Application for single-state reinstatement of license.....</b>	<b>70</b>	<b>150</b>
2	<b>Application for single-state reinstatement of licenses with temporary</b>		
3	<b>permit.....</b>	<b>100</b>	<b>175</b>
4	<i>Application for multi-state license—professional nurse.....</i>		<i>300</i>
5	<i>Application for multi-state license—practical nurse.....</i>		<i>300</i>
6	<i>Application for multi-state biennial renewal of license—</i>		
7	<i>professional nurse and practical nurse.....</i>		<i>200</i>
8	<i>Application for multi-state reinstatement of license.....</i>		<i>300</i>
9	<i>Application for multi-state reinstatement of licenses</i>		
10	<i>with temporary permit.....</i>		<i>300</i>
11	<b>Application for reinstatement of revoked license.....</b>	<b>1,000</b>	
12	<b>Certified copy of license.....</b>	<b>25</b>	
13	<b>Duplicate of license.....</b>	<b>25</b>	
14	<b>Inactive license.....</b>	<b>20</b>	
15	<b>Application for license—advanced practice registered</b>		
16	<b>nurse.....</b>	<b>50</b>	
17	<b>Application for license with temporary permit—advanced</b>		
18	<b>practice registered nurse.....</b>	<b>100</b>	
19	<b>Application for renewal of license—advanced practice</b>		
20	<b>registered nurse.....</b>	<b>60</b>	
21	<b>Application for reinstatement of license—advanced practice</b>		
22	<b>registered nurse.....</b>	<b>75</b>	
23	<b>Application for authorization—registered nurse</b>		
24	<b>anesthetist.....</b>	<b>75</b>	
25	<b>Application for authorization with temporary authorization—</b>		
26	<b>registered nurse anesthetist.....</b>	<b>110</b>	
27	<b>Application for biennial renewal of authorization—registered</b>		
28	<b>nurse anesthetist.....</b>	<b>60</b>	
29	<b>Application for reinstatement of authorization—registered</b>		
30	<b>nurse anesthetist.....</b>	<b>75</b>	
31	<b>Application for reinstatement of authorization with temporary</b>		
32	<b>authorization—registered nurse anesthetist.....</b>	<b>100</b>	
33	<b>Verification of license to another state.....</b>	<b>30</b>	
34	<b>Application for exempt license—professional and practical</b>		
35	<b>nurse.....</b>	<b>50</b>	
36	<b>Application for biennial renewal of exempt license—</b>		
37	<b>professional and practical nurse.....</b>	<b>50</b>	
38	<b>Application for exempt license—advanced practice registered</b>		
39	<b>nurse.....</b>	<b>50</b>	
40	<b>Application for biennial renewal of exempt license—advanced</b>		
41	<b>practice registered nurse.....</b>	<b>50</b>	
42	<b>(b) The board may require that fees paid for any examination</b>		
43	<b>under the Kansas nurse practice act be paid directly to the</b>		

1 examination service by the person taking the examination.

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

9 Sec. 5. K.S.A. 2017 Supp. 65-1120 is hereby amended to read as  
10 follows: 65-1120. (a) *Grounds for disciplinary actions.* The board may  
11 deny, revoke, limit or suspend any license or authorization to practice  
12 nursing as a registered professional nurse, as a licensed practical  
13 nurse, as an advanced practice registered nurse or as a registered  
14 nurse anesthetist that is issued by the board or applied for under this  
15 act, *or may require the licensee to attend a specific number of hours of*  
16 *continuing education in addition to any hours the licensee may already be*  
17 *required to attend or may publicly or privately censure a licensee or*  
18 *holder of a temporary permit or authorization, if the applicant,*  
19 *licensee or holder of a temporary permit or authorization is found*  
20 *after hearing:*

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

23 (2) to have been guilty of a felony or to have been guilty of a  
24 misdemeanor involving an illegal drug offense unless the applicant or  
25 licensee establishes sufficient rehabilitation to warrant the public  
26 trust, except that notwithstanding K.S.A. 74-120, and amendments  
27 thereto, no license or authorization to practice nursing as a licensed  
28 professional nurse, as a licensed practical nurse, as an advanced  
29 practice registered nurse or registered nurse anesthetist shall be  
30 granted to a person with a felony conviction for a crime against  
31 persons as specified in article 34 of chapter 21 of the Kansas Statutes  
32 Annotated, prior to their repeal, or article 54 of chapter 21 of the  
33 Kansas Statutes annotated, or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-  
34 6326 or 21-6418, and amendments thereto;

35 (3) *has been convicted or found guilty or has entered into an agreed*  
36 *disposition of a misdemeanor offense related to the practice of nursing as*  
37 *determined on a case-by-case basis;*

38 (4) to have committed an act of professional incompetency as  
39 defined in subsection (e);

40 ~~(4)~~(5) to be unable to practice with skill and safety due to current  
41 abuse of drugs or alcohol;

42 ~~(5)~~(6) to be a person who has been adjudged in need of a  
43 guardian or conservator, or both, under the act for obtaining a

1 guardian or conservator, or both, and who has not been restored to  
2 capacity under that act;

3 ~~(6)~~(7) to be guilty of unprofessional conduct as defined by rules  
4 and regulations of the board;

5 ~~(7)~~(8) to have willfully or repeatedly violated the provisions of the  
6 Kansas nurse practice act or any rules and regulations adopted  
7 pursuant to that act, including K.S.A. 65-1114 and 65-1122, and  
8 amendments thereto;

9 ~~(8)~~(9) to have a license to practice nursing as a registered nurse or  
10 as a practical nurse denied, revoked, limited or suspended, or to be  
11 publicly or privately censured, by a licensing authority of another  
12 state, agency of the United States government, territory of the United  
13 States or country or to have other disciplinary action taken against the  
14 applicant or licensee by a licensing authority of another state, agency  
15 of the United States government, territory of the United States or  
16 country. A certified copy of the record or order of public or private  
17 censure, denial, suspension, limitation, revocation or other  
18 disciplinary action of the licensing authority of another state, agency  
19 of the United States government, territory of the United States or  
20 country shall constitute prima facie evidence of such a fact for  
21 purposes of this paragraph ~~(8)~~ (9); or

22 ~~(9)~~(10) to have assisted suicide in violation of K.S.A. 21-3406,  
23 prior to its repeal, or K.S.A. 2017 Supp. 21-5407, and amendments  
24 thereto, as established by any of the following:

25 (A) A copy of the record of criminal conviction or plea of guilty  
26 for a felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A.  
27 2017 Supp. 21-5407, and amendments thereto.

28 (B) A copy of the record of a judgment of contempt of court for  
29 violating an injunction issued under K.S.A. 2017 Supp. 60-4404, and  
30 amendments thereto.

31 (C) A copy of the record of a judgment assessing damages under  
32 K.S.A. 2017 Supp. 60-4405, and amendments thereto.

33 (b) *Proceedings*. Upon filing of a sworn complaint with the board  
34 charging a person with having been guilty of any of the unlawful  
35 practices specified in subsection (a), two or more members of the  
36 board shall investigate the charges, or the board may designate and  
37 authorize an employee or employees of the board to conduct an  
38 investigation. After investigation, the board may institute charges. If  
39 an investigation, in the opinion of the board, reveals reasonable  
40 grounds for believing the applicant or licensee is guilty of the charges,  
41 the board shall fix a time and place for proceedings, which shall be  
42 conducted in accordance with the provisions of the Kansas  
43 administrative procedure act.

1 (c) *Witnesses.* No person shall be excused from testifying in any  
2 proceedings before the board under this act or in any civil proceedings  
3 under this act before a court of competent jurisdiction on the ground  
4 that such testimony may incriminate the person testifying, but such  
5 testimony shall not be used against the person for the prosecution of  
6 any crime under the laws of this state except the crime of perjury as  
7 defined in K.S.A. 2017 Supp. 21-5903, and amendments thereto.

8 (d) *Costs.* If final agency action of the board in a proceeding  
9 under this section is adverse to the applicant or licensee, the costs of  
10 the board's proceedings shall be charged to the applicant or licensee  
11 as in ordinary civil actions in the district court, but if the board is the  
12 unsuccessful party, the costs shall be paid by the board. Witness fees  
13 and costs may be taxed by the board according to the statutes relating  
14 to procedure in the district court. All costs accrued by the board, when  
15 it is the successful party, and which the attorney general certifies  
16 cannot be collected from the applicant or licensee shall be paid from  
17 the board of nursing fee fund. All moneys collected following board  
18 proceedings shall be credited in full to the board of nursing fee fund.

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

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

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

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

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

34 **Sec. 6.** K.S.A. 65-1127 is hereby amended to read as follows: 65-  
35 1127. (a) *A licensee shall report to the board of nursing any information*  
36 *the licensee may have relating to alleged incidents of malpractice or the*  
37 *qualifications, fitness or character of a person licensed to practice*  
38 *professional nursing or licensed to practice practical nursing, including*  
39 *persons holding a multi-state license under the nurse licensure compact.*  
40 **No person reporting to the board of nursing under oath and in good**  
41 **faith any information such person may have relating to alleged**  
42 **incidents of malpractice or the qualifications, fitness or character of a**  
43 **person licensed to practice professional nursing or licensed to practice**



1 practical nursing shall be subject to a civil action for damages as a  
2 result of reporting such information.

3 (b) Any state, regional or local association of registered  
4 professional nurses or licensed practical nurses and the individual  
5 members of any committee thereof, which in good faith investigates or  
6 communicates information pertaining to the alleged incidents of  
7 malpractice or the qualifications, fitness or character of any licensee  
8 or registrant to the board of nursing or to any committee or agent  
9 thereof, shall be immune from liability in any civil action, that is based  
10 upon such information or transmittal of information if the  
11 investigation and communication was made in good faith and did not  
12 represent as true any matter not reasonably believed to be true.

13 Sec. 7. K.S.A. 2017 Supp. 74-1106 is hereby amended to read as  
14 follows: 74-1106. (a) *Appointment, term of office.* (1) The governor shall  
15 appoint a board consisting of 11 members of which six shall be  
16 registered professional nurses, two shall be licensed practical nurses  
17 and three shall be members of the general public, which shall  
18 constitute a board of nursing, with the duties, power and authority set  
19 forth in this act.

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

26 (3) On the effective date of this act, the Kansas federation of  
27 licensed practical nurses shall submit to the governor a list of licensed  
28 practical nurses containing names of not less than three times the  
29 number of persons to be appointed, and appointments shall be made  
30 after consideration of such list for a term of four years and until a  
31 successor is appointed and qualified.

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

34 (5) Whenever a vacancy occurs on the board of nursing, it shall  
35 be filled by appointment for the remainder of the unexpired term in  
36 the same manner as the preceding appointment. No person shall serve  
37 more than two consecutive terms as a member of the board of nursing  
38 and appointment for the remainder of an unexpired term shall  
39 constitute a full term of service on such board.

40 (b) *Qualifications of members.* Each member of the board shall be  
41 a citizen of the United States and a resident of the state of Kansas.  
42 Registered professional nurse members shall possess a license to  
43 practice as a professional nurse in this state with at least five years'

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

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

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

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

43 (4) The board shall examine, license and renew licenses of duly

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

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

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

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

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

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

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

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

20 Sec. 8. K.S.A. 65-1127 and K.S.A. 2017 Supp. 65-1113, 65-1117,  
21 65-1118, 65-1120 and 74-1106 are hereby repealed.

22 Sec. ~~2~~ 9. This act shall take effect and be in force from and after ~~July~~  
23 ~~January~~ July 1, 2019, and its publication in the statute book.