



Kansas State Board of Nursing Special Board Meeting Notice

Date: Feb 19, 2015 @ 9:30 a.m.

Meeting Location: Conference Call
1-877-278-8686

Access Code: 534018

AGENDA:

1. HB 2121 AAG
2. HB 2120 Revoked license
3. HB 2119 LMHT fees
4. SB 40 Massage therapy
5. HB 2123 Massage therapy
6. SB 69 APRN
7. HB 2122 APRN
8. HB 2280 Midwife
9. HB 2205 Dual regulation APRN
10. SB 218 Dual regulation APRN
11. SB 141 Podiatrists & APRN
12. HB 2321 Charitable healthcare provider
13. HB 2313 Healthcare worker assault

HOUSE BILL No. 2121

By Committee on Health and Human Services

1-23

1 AN ACT relating to assistant attorneys general; amending K.S.A. 74-1111
2 and repealing the existing section.

3

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

5 Section 1. K.S.A. 74-1111 is hereby amended to read as follows: 74-
6 1111. (a) The attorney general shall appoint, with the approval of the board
7 of nursing, ~~an assistant attorney~~ *assistant attorneys* general who shall carry
8 out the duties under subsection (b). The ~~attorney~~ *attorneys* shall receive an
9 annual salary fixed by the attorney general with the approval of the board
10 of nursing. The ~~salary~~ *salaries* shall be paid from moneys appropriated to
11 the board of nursing in the board of nursing fee fund.

12 (b) The ~~assistant attorney~~ *attorneys* general appointed under
13 subsection (a) shall represent the board of nursing in any proceedings or
14 litigation that may arise in the discharge of the duties of the board of
15 nursing and shall perform such other duties of a legal nature as may be
16 directed by the board of nursing.

17 Sec. 2. K.S.A. 74-1111 is hereby repealed.

18 Sec. 3. This act shall take effect and be in force from and after its
19 publication in the statute book.

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2120

By Committee on Health and Human Services

1-23

1 AN ACT concerning the board of nursing; reinstatement of licenses; fees;
2 amending K.S.A. 2014 Supp. 65-1118 and repealing the existing
3 section.
4
5 *Be it enacted by the Legislature of the State of Kansas:*
6 Section 1. K.S.A. 2014 Supp. 65-1118 is hereby amended to read as
7 follows: 65-1118. (a) The board shall collect in advance fees provided for
8 in this act as fixed by the board, but not exceeding:
9 Application for license—professional nurse..... \$75
10 Application for license—practical nurse..... 50
11 Application for biennial renewal of license—professional
12 nurse and practical nurse..... 60
13 Application for reinstatement of license..... 70
14 Application for reinstatement of licenses with temporary
15 permit..... 100
16 *Application for reinstatement of revoked license*~~1,000~~**250**
17 Certified copy of license..... 25
18 Duplicate of license..... 25
19 Inactive license..... 20
20 Application for license—advanced practice registered
21 nurse..... 50
22 Application for license with temporary permit—advanced
23 practice registered nurse..... 100
24 Application for renewal of license—advanced practice
25 registered nurse..... 60
26 Application for reinstatement of license—advanced practice
27 registered nurse..... 75
28 Application for authorization—registered nurse
29 anesthetist..... 75
30 Application for authorization with temporary authorization—
31 registered nurse anesthetist..... 110
32 Application for biennial renewal of authorization—registered
33 nurse anesthetist..... 60
34 Application for reinstatement of authorization—registered
35 nurse anesthetist..... 75
36 Application for reinstatement of authorization with temporary

1 authorization—registered nurse anesthetist..... 100
2 Verification of license to another state..... 30
3 Application for exempt license—professional and practical
4 nurse..... 50
5 Application for biennial renewal of exempt license—
6 professional and practical nurse..... 50
7 Application for exempt license—advanced practice registered
8 nurse..... 50
9 Application for biennial renewal of exempt license—advanced
10 practice registered nurse..... 50
11

12 (b) The board may require that fees paid for any examination under
13 the Kansas nurse practice act be paid directly to the examination service
14 by the person taking the examination.

15 (c) The board shall accept for payment of fees under this section
16 personal checks, certified checks, cashier's checks, money orders or credit
17 cards. The board may designate other methods of payment, but shall not
18 refuse payment in the form of a personal check. The board may impose
19 additional fees and recover any costs incurred by reason of payments made
20 by personal checks with insufficient funds and payments made by credit
21 cards.

22 New Sec. 2. (a) A person whose license has been revoked may apply
23 for reinstatement of the license after the expiration of three years from the
24 effective date of the revocation. Application for reinstatement shall be on a
25 form approved by the board and shall be accompanied by a reinstatement
26 fee established by the board under K.S.A. 65-1118, and amendments
27 thereto. The burden of proof by clear and convincing evidence shall be on
28 the applicant to show sufficient rehabilitation to justify reinstatement of
29 the license. If the board determines a license should not be reinstated, the
30 person shall not be eligible to reapply for reinstatement for three years
31 from the effective date of the denial. All proceedings conducted on an
32 application for reinstatement shall be in accordance with the provisions of
33 the Kansas administrative procedure act and shall be reviewable in
34 accordance with the Kansas judicial review act. The board, on its own
35 motion, may stay the effectiveness of an order of revocation of license.

36 (b) This section shall be part of and supplemental to the Kansas nurse
37 practice act.

38 Sec. 3. K.S.A. 2014 Supp. 65-1118 is hereby repealed.

39 Sec. 4. This act shall take effect and be in force from and after its
40 publication in the statute book.

HOUSE BILL No. 2119

By Committee on Health and Human Services

1-23

1 AN ACT concerning mental health technicians; fees; amending K.S.A. 65-
2 4208 and repealing the existing section.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 65-4208 is hereby amended to read as follows: 65-
6 4208. (a) The board shall collect in advance the fees provided for in this
7 act, the amount of which shall be fixed by the board by rules and
8 regulations, but not to exceed:

9 (1) Mental health technician programs:

10	Annual renewal of program approval.....	\$110
11	Survey of a new program.....	220
12	Application for approval of continuing education providers.....	200
13	Annual fee for continuing education providers.....	75

14
15 (2) Mental health technicians:

16	Application for license.....	\$50
17	Application for renewal of license.....	60
18	Application for reinstatement.....	70
19	Application for reinstatement of license with temporary permit.....	75 100
20	Certified copy of license.....	12 25
21	Duplicate of license.....	12 20
22	Inactive license.....	20
23	Examination.....	40 250
24	Reexamination.....	40 250
25	Verification of current Kansas license to other states.....	11 25
26	Application for exempt license.....	50
27	Application for biennial renewal of exempt license.....	50

28
29 (b) *The board shall charge and collect in advance fees for any*
30 *examination or reexamination administered by the board under the mental*
31 *health technician's licensure act as fixed by the board by rules and*
32 *regulations in accordance with this section. If an examination or*
33 *reexamination is not administered by the board, the board shall require*
34 *that fees paid for the examination not administered by the board be paid*
35 *directly to the examination service by the person taking the examination or*
36 *reexamination.*

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

8 Sec. 2. K.S.A. 65-4208 is hereby repealed.

9 Sec. 3. This act shall take effect and be in force from and after its
10 publication in the statute book.

SENATE BILL No. 40

By Committee on Public Health and Welfare

1-20

1 AN ACT enacting the massage therapist licensure act; providing for
2 powers, duties and functions of the state board of nursing; amending
3 K.S.A. 2014 Supp. 74-1112 and repealing the existing section.
4

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

6 New Section 1. As used in this act:

7 (a) "Board" means the state board of nursing.

8 (b) "Massage school" means a massage therapy educational program
9 which meets the standards for training and curriculum as set forth by the
10 state board of regents under the Kansas private and out-of-state
11 postsecondary educational institution act, or comparable legal authority in
12 another state.

13 (c) "Compensation" means the payment, loan, advance, donation,
14 contribution, barter, deposit or gift of money or anything of value.

15 (d) "Licensed massage therapist" means a person who meets the
16 requirements of this act and who engages in the practice of massage
17 therapy.

18 (e) "Professional massage therapy association or bodywork
19 association" means a state or nationally chartered professional membership
20 organization that has been recognized by the board as offering services to
21 massage therapists. The organization requires that its members must
22 adhere to the organization's established code of ethics and standards of
23 practice.

24 (f) "Practice of massage therapy" means the care and services
25 provided by a licensed massage therapist in a system of therapeutic,
26 structured touch, palpation or movement of the skin, muscle, tendons,
27 fascia and the lymphatic system of another person's body in order to
28 enhance or restore the general health and well-being of the recipient.

29 (1) Such system includes, but is not limited to:

30 (A) Techniques such as effleurage, commonly called stroking or
31 gliding; petrissage, commonly called kneading; tapotement or percussion;
32 friction, vibration, compression;

33 (B) stretching within the normal anatomical range of movement;

34 (C) hydrotherapy; or

35 (D) such techniques which may be applied with or without the aid of
36 lubricants, salt or herbal preparations, water, hot and cold applications or a

- 1 massage device that mimics or enhances the actions possible by human
2 hands.
- 3 (2) "Massage" or "massage therapy" does not include:
4 (A) Medical or nursing diagnosis of injury, illness or disease;
5 (B) therapeutic exercise;
6 (C) chiropractic joint adjustment;
7 (D) physical therapy joint mobilization or manipulation;
8 (E) electrical stimulation or application of ultrasound; or
9 (F) dispensing or issuing prescriptions or pharmaceutical agents.
10 (g) "Massage therapy services" include, but are not limited to:
11 (1) Development, implementation and modification of a massage
12 therapy treatment plan that addresses client soft tissue manifestations,
13 needs and concerns, including identifying indications, contraindications
14 and precautions of massage therapy within the scope of the act;
15 (2) obtaining informed consent regarding the risks and benefits of the
16 massage therapy treatment plan and application and modification of the
17 massage therapy treatment plan as needed;
18 (3) using effective interpersonal communication in the professional
19 relationship;
20 (4) utilizing an ethical decision-making process that conforms to the
21 ethical standards of the profession, as set forth in this act and in rules and
22 regulations;
23 (5) establishing and maintaining a practice environment that provides
24 for the client's health, safety and comfort; or
25 (6) establishing and maintaining client records, professional records
26 and business records in compliance with standards of professional conduct
27 as required by rules and regulations.
- 28 New Sec. 2. (a) Upon application to the board and the payment of the
29 required fees, an applicant for a license as a massage therapist may be
30 licensed as a massage therapist if the applicant meets all the requirements
31 of this act and provides documentation acceptable to the board that the
32 applicant:
33 (1) Has obtained a high school diploma or equivalent;
34 (2) is 18 years of age or older;
35 (3) has no other disqualifying conduct as defined by the board;
36 (4) has successfully completed a course of instruction approved by
37 the board consisting of at least 500 in-classroom hours of supervised
38 instruction, including massage therapy technique and theory,
39 contraindications, ethics, sanitation, hygiene, business training, anatomy,
40 physiology and pathology; and
41 (5) has successfully passed a nationally recognized competency
42 examination in massage that meets acceptable psychometric principles, is
43 statistically validated through a job-task analysis under current standards

1 for educational and professional testing and has been approved by the
2 board. The passage of this exam may have occurred prior to the effective
3 date of this act.

4 New Sec. 3. Prior to July 1, 2017, the board may issue a license as a
5 massage therapist to any individual who meets the requirements of section
6 2(a)(1), (2) and (3), and amendments thereto, and one of the following
7 requirements verified to the board by affidavit:

8 (a) The individual has completed a minimum of 500 hours of
9 instruction relating to massage therapy at a massage school or comparable
10 legal authority in another state verified to the board by affidavit;

11 (b) the individual has completed at least 300 hours of training in
12 massage therapy during the three years;

13 (c) the individual has practiced for at least three years;

14 (d) the individual has been an active member in good standing of a
15 professional massage or bodywork therapy association. as a massage or
16 bodywork therapist for a period of at least 12 months; or

17 (e) the individual has successfully passed an examination meeting the
18 requirements of section 2(a)(5), and amendments thereto, or passed a
19 nationally recognized certification examination.

20 New Sec. 4. (a) The board may issue a license to practice massage
21 therapy as a licensed massage therapist to an applicant who has been duly
22 licensed as a massage therapist by examination under the laws of another
23 state or territory if, in the opinion of the board, the applicant meets the
24 qualifications required of a licensed professional in this state. Verification
25 of the applicant's licensure status shall be required from the original state
26 of licensure.

27 (b) The board may issue a temporary permit to practice massage
28 therapy as a licensed massage therapist for a period not to exceed 120
29 days. A temporary permit for 120 days may be issued to an applicant for
30 licensure as a licensed massage therapist who is a graduate of a massage
31 school in a foreign country after verification of licensure in that foreign
32 country and approval of educational credentials.

33 New Sec. 5. (a) Nothing in this act shall be construed to restrict any
34 person licensed or regulated by the state of Kansas from engaging in the
35 profession or practice for which they are licensed or regulated including,
36 but not limited to, acupuncture, athletic training, barbering, chiropractic,
37 cosmetology, dentistry, electrology, esthetics, manicuring, medicine,
38 naturopathic medicine, nursing, occupational therapy, osteopathy, physical
39 therapy, podiatry, professional counseling, psychology, social work or
40 veterinary medicine or any other licensed or regulated profession by the
41 state of Kansas.

42 (b) Nothing in this act shall prohibit:

43 (1) The practice of massage therapy by a person employed by the

1 government of the United States while the person is engaged in the
2 performance of duties prescribed by the laws and regulations of the United
3 States;

4 (2) the practice of massage therapy by persons duly licensed,
5 registered, or certified in another state, territory, the District of Columbia,
6 or a foreign country when incidentally called into this state to teach a
7 course related to massage therapy or to consult with a person licensed
8 under this act;

9 (3) students currently enrolled in a massage school while completing
10 a clinical requirement or supervised massage therapy fieldwork experience
11 for graduation performed under the supervision of a person licensed under
12 this act, provided the student does not hold oneself out as a licensed
13 massage therapist and does not receive compensation for services
14 performed;

15 (4) any person performing massage therapy services in the state, if
16 those services are performed without compensation and are performed in
17 cooperation with a charitable organization or as part of an emergency
18 response team working in conjunction with disaster relief officials;

19 (5) the practice, conduct and activities or services of a person who is
20 employed by a non-resident performance team, entertainer, or an athletic
21 team to the extent that such services or activities are provided solely to the
22 team or entertainer in the state for not more than 30 days;

23 (6) persons giving massage to members of such person's immediate or
24 extended family without compensation;

25 (7) persons who restrict their manipulation of the soft tissues of the
26 human body to the hands, feet or ears and do not hold themselves out to be
27 massage therapists;

28 (8) members of any church practicing their religious tenets;

29 (9) the practice of any person in this state who uses touch, words and
30 directed movement to deepen awareness of existing patterns of movement
31 in the body as well as to suggest new possibilities of movement while
32 engaged within the scope of practice of a profession, provided that they do
33 not hold themselves out to be massage therapists. Such practices include,
34 but are not limited to, the Feldenkrais method of somatic education, the
35 Trager approach to movement education, and body-mind centering;

36 (10) the practice of any person in this state who uses touch to affect
37 the energy systems, acupoints or qi meridians (channels of energy) of the
38 human body while engaged within the scope of practice of a profession,
39 provided that they do not hold themselves out to be massage therapists.
40 Such practices include, but are not limited to, polarity, polarity therapy,
41 polarity bodywork therapy, Asian bodywork therapy, acupressure, jin shin
42 do, qi gong, reiki, shiatsu and ortho bionomy; or

43 (11) persons engaged in the profession of structural integration,

1 restoring postural balance and functional ease by integrating the body in
 2 gravity based on a system of fascial manipulation and awareness, provided
 3 that they do not hold themselves out to be massage therapists. Such
 4 practices include, but are not limited to, rolfing structural integration, the
 5 guild for structural integration and Hellerwork.

6 New Sec. 6. (a) A person licensed under this act as a massage
 7 therapist shall:

8 (1) Use the letters "LMT" to identify themselves to patients or the
 9 public; and

10 (2) be authorized to use words, including "massage therapist,"
 11 "massagist," "massotherapist," "myotherapist," "body therapist," "massage
 12 technician," "massage practitioner," "masseur," "masseuse" or any
 13 derivation of those terms that implies this practice to indicate that such
 14 person is a massage therapist licensed under the act.

15 (b) On and after September 1, 2017, it shall be unlawful for any
 16 person who is not licensed under this act as a massage therapist or whose
 17 license has been suspended, revoked or lapsed to promote oneself to the
 18 public in any manner as a licensed massage therapist or to engage in the
 19 practice of massage therapy. An intentional violation of this subsection
 20 shall constitute a class B person misdemeanor.

21 (c) No statute granting authority to persons licensed or registered by
 22 the state board of nursing shall be construed to confer authority upon a
 23 massage therapist to engage in any activity not conferred by this act.

24 New Sec. 7. (a) An advisory committee of six members, two board
 25 members and four non-board members, shall be established by the board
 26 to advise and assist the board in implementing this act as determined by
 27 the board. The advisory committee shall meet at least annually. Members
 28 of the advisory committee shall receive amounts provided for in K.S.A.
 29 75-3223(e), and amendments thereto, for each day of actual attendance at
 30 any meeting of the advisory committee or any subcommittee meeting of
 31 the advisory committee authorized by the board.

32 (b) The two board members shall be appointed by the state board of
 33 nursing. The three non-board members of the massage therapy advisory
 34 committee shall be appointed by the state board of nursing, shall be
 35 massage therapists and shall be citizens and residents of the state. No more
 36 than one member may be an owner of a massage school. The fourth non-
 37 board member shall be the designee of the Kansas attorney general. The
 38 members of the committee shall be appointed for terms of two years and
 39 shall serve at the pleasure of the state board of nursing.

40 New Sec. 8. (a) The board shall biennially charge and collect in
 41 advance fees provided for in this act as fixed by the board by rules and
 42 regulations, subject to the following limitations:

43 Application fee, not more than.....\$80

1 Temporary permit fee, not more than.....\$25
 2 License renewal fee, not more than.....\$75
 3 License reinstatement fee, not more than.....\$80
 4 Certified copy of license, not more than.....\$25
 5 Written verification of license, not more than.....\$30
 6 *Inactive license fee, not more than.....\$20*

7 (b) The board may require that fees paid for any examination under
 8 the massage therapist licensure act be paid directly to the examination
 9 service by the person taking the examination.

10 (c) The board shall accept for payment of fees under this section
 11 personal checks, certified checks, cashier's checks, money orders or credit
 12 cards. The board may designate other methods of payment, but shall not
 13 refuse payment in the form of a personal check. The board may impose
 14 additional fees and recover any costs incurred by reason of payments made
 15 by personal checks with insufficient funds and payments made by credit
 16 cards.

17 New Sec. 9. (a) All licenses issued under the provisions of this act,
 18 whether initial or renewal, shall expire every two years. The expiration
 19 date shall be established by the rules and regulations of the board. The
 20 board shall send a notice for renewal of license to every massage therapist
 21 at least 60 days prior to the expiration date of such person's license. Every
 22 person so licensed who desires to renew such license shall file with the
 23 board, on or before the date of expiration of such license, a renewal
 24 application together with the prescribed biennial renewal fee. Every
 25 licensee who is no longer engaged in the active practice of massage
 26 therapy may so state by affidavit and submit such affidavit with the
 27 renewal application. An inactive license may be requested along with
 28 payment of a fee which shall be fixed by rules and regulations of the
 29 board. Except for the first renewal for a license that expires within 30
 30 months following licensure examination or for renewal of a license that
 31 expires within the first nine months following licensure by reinstatement
 32 or endorsement, every licensee with an active massage therapy license
 33 shall submit with the renewal application evidence of satisfactory
 34 completion of a program of continuing massage therapy education
 35 required by the board. The board, by duly adopted rules and regulations,
 36 shall establish the requirements for such program of continuing massage
 37 therapy education. The board shall require as a condition for renewal of a
 38 license completion of no more than 12 hours biennially of continuing
 39 education approved by the board in rules and regulations. Upon receipt of
 40 such application, payment of fee, upon receipt of the evidence of
 41 satisfactory completion of the required program of continuing massage
 42 therapy education and upon being satisfied that the applicant meets the
 43 requirements set forth by law in effect at the time of initial licensure of the

1 applicant, the board shall verify the accuracy of the application and grant a
2 renewal license.

3 (b) Any person who fails to secure a renewal license within the time
4 specified herein may secure a reinstatement of such lapsed license by
5 making verified application therefor on a form provided by the board, by
6 rules and regulations, and upon furnishing proof that the applicant is
7 competent and qualified to act as a massage therapist and by satisfying all
8 of the requirements for reinstatement, including payment to the board of a
9 reinstatement fee as established by the board. A reinstatement application
10 for licensure will be held awaiting completion of such documentation as
11 may be required, but such application shall not be held for a period of time
12 in excess of that specified in rules and regulations.

13 (c) (1) Each licensee shall notify the board in writing of:

14 (A) A change in name or address within 30 days of the change; or

15 (B) a conviction of any felony or misdemeanor, that is specified in
16 rules and regulations adopted by the board, within 30 days from the date
17 the conviction becomes final.

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

26 (d) (1) The board of nursing shall require an original applicant for
27 licensure as a massage therapist to be fingerprinted and submit to a state
28 and national criminal history record check. The fingerprints shall be used
29 to identify the applicant and to determine whether the applicant has a
30 record of criminal history in this state or other jurisdictions. The board of
31 nursing is authorized to submit the fingerprints to the Kansas bureau of
32 investigation and the federal bureau of investigation for a state and
33 national criminal history record check, and request subsequent arrest
34 notification services from both agencies. The board of nursing may use the
35 information obtained from fingerprinting and the applicant's criminal
36 history for purposes of verifying the identification of any applicant and in
37 the official determination of character and fitness of the applicant for any
38 licensure to practice massage therapy in this state.

39 (2) Local and state law enforcement officers and agencies shall assist
40 the board of nursing in the taking and processing of fingerprints of
41 applicants to practice massage therapy in this state and shall release all
42 records of adult convictions and non-convictions and adult convictions or
43 adjudications of another state or country to the board of nursing.

1 (3) The board shall fix a fee for fingerprinting of applicants or
2 licensees, or both, as may be required by the board in an amount necessary
3 to reimburse the board for the cost of the fingerprinting. Fees collected
4 under this subsection shall be deposited in the criminal background and
5 fingerprinting fund.

6 New Sec. 10. (a) The board may refuse to grant licensure to, or may
7 suspend, revoke, condition, limit, qualify or restrict the licensure issued
8 under this act of any individual who the board, after the opportunity for a
9 hearing, determines:

10 (1) Is incompetent to practice massage therapy, or is found to engage
11 in the practice of massage therapy in a manner harmful or dangerous to a
12 client or to the public;

13 (2) is convicted by a court of competent jurisdiction of a felony,
14 misdemeanor crimes against persons or substantiation of abuse against a
15 child, adult or resident of a care facility, even if not practice related;

16 (3) has violated a provision of the massage therapist licensure act or
17 one or more of the rules and regulations of the board;

18 (4) has obtained or attempted to obtain a license or license renewal by
19 bribery or fraudulent representation;

20 (5) has knowingly made a false statement on a form required by the
21 board for license or license renewal;

22 (6) has failed to obtain continuing education credits required by rules
23 and regulations of the board;

24 (7) has been found guilty of unprofessional conduct as defined by
25 rules and regulations established by the board; or

26 (8) has had a registration, license or certificate as an massage
27 therapist revoked, suspended or limited, or has had other disciplinary
28 action taken, or an application for registration, license or certificate denied,
29 by the proper regulatory authority of another state, territory, District of
30 Columbia or another country, a certified copy of the record of the action of
31 the other jurisdiction being conclusive evidence thereof.

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

42 (c) No person shall be excused from testifying in any proceedings
43 before the board under this act or in any civil proceedings under this act

1 before a court of competent jurisdiction on the ground that such testimony
2 may incriminate the person testifying, but such testimony shall not be used
3 against the person for the prosecution of any crime under the laws of this
4 state except the crime of perjury as defined in K.S.A. 2014 Supp. 21-5903,
5 and amendments thereto.

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

17 (e) The denial, suspension, revocation or limitation of a license or
18 public or private censure of a licensee may be ordered by the board after
19 notice and hearing on the matter in accordance with the provisions of the
20 Kansas administrative procedure act. The board shall also notify the local
21 law enforcement agency upon disciplinary action. Upon the end of the
22 period no less than two years for the revocation of a license, application
23 may be made to the board for reinstatement. The board shall have
24 discretion to accept or reject an application for reinstatement and may hold
25 a hearing to consider such reinstatement. An application for reinstatement
26 of a revoked license shall be accompanied by the license reinstatement fee
27 established under section 8, and amendments thereto.

28 (f) The board, in addition to any other penalty prescribed in
29 subsection (a), may assess a civil fine, after proper notice and an
30 opportunity to be heard, against a licensee for unprofessional conduct in an
31 amount not to exceed \$1,000 for the first violation, \$2,000 for the second
32 violation and \$3,000 for the third violation and for each subsequent
33 violation. All fines assessed and collected under this section shall be
34 remitted to the state treasurer in accordance with the provisions of K.S.A.
35 75-4215, and amendments thereto. Upon receipt of each such remittance,
36 the state treasurer shall deposit the entire amount in the state treasury to
37 the credit of the state general fund.

38 (g) The board, upon request, shall receive from the Kansas bureau of
39 investigation such criminal history record information relating to arrests
40 and criminal convictions as necessary for the purpose of determining
41 initial and continuing qualifications of licensees of and applicants for
42 licensure by the board.

43 New Sec. 11. The board shall remit all moneys received from fees,

1 charges or penalties to the state treasurer in accordance with the provisions
2 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
3 remittance, the state treasurer shall deposit the entire amount in the state
4 treasury. Ten percent of each such deposit shall be credited to the state
5 general fund and the balance shall be credited to the nursing fee fund. All
6 expenditures from such fund shall be made in accordance with
7 appropriation acts upon warrants of the director of accounts and reports
8 issued pursuant to vouchers approved by the president of the board or by a
9 person designated by the president of the board.

10 New Sec. 12. A local unit of government shall not establish or
11 maintain professional licensing requirements for a massage therapist
12 licensed under this act. Nothing in this act shall affect local zoning
13 requirements. Local government law enforcement agencies may inspect
14 massage therapy registrations and the business premises where massage
15 therapy is practiced for compliance with applicable laws. Nothing in this
16 section shall be construed to preclude criminal prosecution for a violation
17 of any criminal law. If such inspection reveals the practice of massage
18 therapy by a person without a valid license, the person may be charged
19 with a violation of section 6 (b), and amendments thereto.

20 New Sec. 13. (a) When it appears to the board that any person is
21 violating any of the provisions of this act, the board may bring an action in
22 the name of the state of Kansas in a court of competent jurisdiction for an
23 injunction against such violation without regard to whether proceedings
24 have been or may be instituted before the board or whether criminal
25 proceedings have been or may be instituted.

26 (b) The provisions of this section shall take effect on and after
27 September 1, 2017.

28 New Sec. 14. All state agency adjudicative proceedings under the
29 licensed massage therapist act shall be conducted in accordance with the
30 provisions of the Kansas administrative procedure act and shall be
31 reviewable in accordance with the Kansas judicial review act.

32 New Sec. 15. Professional liability insurance coverage shall be
33 maintained in effect by each massage therapist as a condition to rendering
34 professional service as a massage therapist in this state. The board shall fix
35 by rules and regulations the minimum level of coverage for such
36 professional liability insurance.

37 New Sec. 16. On the effective date of this act, nothing in the massage
38 therapist licensure act or in the provisions of K.S.A. 40-2,100 through 40-
39 2,105, and amendments thereto, or K.S.A. 2014 Supp. 40-2,105a through
40 40-2,105d, and amendments thereto, shall be construed to require that any
41 individual, group or blanket policy of accident and sickness, medical or
42 surgical expense insurance coverage or any provision of a policy, contract,
43 plan or agreement for medical service issued on or after the effective date

1 of this act, reimburse or indemnify a person licensed under the massage
2 therapist licensure act for services provided as a massage therapist.

3 New Sec. 17. Sections 1 through 17, and amendments thereto, shall
4 be known and may be cited as the massage therapist licensure act.

5 Sec. 18. K.S.A. 2014 Supp. 74-1112 is hereby amended to read as
6 follows: 74-1112. (a) The board of nursing may require an original
7 applicant for licensure as a professional nurse, practical nurse-~~or~~, mental
8 health technician *or massage therapist* to be fingerprinted and submit to a
9 state and national criminal history record check. The fingerprints shall be
10 used to identify the applicant and to determine whether the applicant has a
11 record of criminal history in this state or other jurisdictions. The board of
12 nursing is authorized to submit the fingerprints to the Kansas bureau of
13 investigation and the federal bureau of investigation for a state and
14 national criminal history record check. The board of nursing may use the
15 information obtained from fingerprinting and the applicant's criminal
16 history for purposes of verifying the identification of any applicant and in
17 the official determination of character and fitness of the applicant for any
18 licensure to practice professional or practical nursing-~~or~~, mental health
19 technology *or massage therapy* in this state.

20 (b) Local and state law enforcement officers and agencies shall assist
21 the board of nursing in taking and processing of fingerprints of applicants
22 to practice professional or practical nursing-~~or~~, mental health technology
23 *or massage therapy* in this state and shall release all records of adult
24 convictions and nonconvictions and adult convictions or adjudications of
25 another state or country to the board of nursing.

26 (c) The board shall fix a fee for fingerprinting of applicants or
27 licensees, or both, as may be required by the board in an amount necessary
28 to reimburse the board for the cost of the fingerprinting. Fees collected
29 under this subsection shall be deposited in the criminal background and
30 fingerprinting fund.

31 (d) There is hereby created in the state treasury the criminal
32 background and fingerprinting fund. All moneys credited to the fund shall
33 be used to pay the Kansas bureau of investigation for the processing of
34 fingerprints and criminal history background checks for the board of
35 nursing. The fund shall be administered by the board of nursing. All
36 expenditures from the fund shall be made in accordance with appropriation
37 acts upon warrants of the director of accounts and reports issued pursuant
38 to vouchers approved by the president of the board or a person designated
39 by the president.

40 Sec. 19. K.S.A. 2014 Supp. 74-1112 is hereby repealed.

41 Sec. 20. This act shall take effect and be in force from and after its
42 publication in the statute book.

HOUSE BILL No. 2123

By Committee on Health and Human Services

1-23

1 AN ACT enacting the massage therapist licensure act; providing for
2 powers, duties and functions of the state board of nursing; amending
3 K.S.A. 2014 Supp. 74-1112 and repealing the existing section.
4

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

6 New Section 1. As used in this act:

7 (a) "Board" means the state board of nursing.

8 (b) "Massage school" means a massage therapy educational program
9 which meets the standards for training and curriculum as set forth by the
10 state board of regents under the Kansas private and out-of-state
11 postsecondary educational institution act, or comparable legal authority in
12 another state.

13 (c) "Compensation" means the payment, loan, advance, donation,
14 contribution, barter, deposit or gift of money or anything of value.

15 (d) "Licensed massage therapist" means a person who meets the
16 requirements of this act and who engages in the practice of massage
17 therapy.

18 (e) "Professional massage therapy association or bodywork
19 association" means a state or nationally chartered professional membership
20 organization that has been recognized by the board as offering services to
21 massage therapists. The organization requires that its members must
22 adhere to the organization's established code of ethics and standards of
23 practice.

24 (f) "Practice of massage therapy" means the care and services
25 provided by a licensed massage therapist in a system of therapeutic,
26 structured touch, palpation or movement of the skin, muscle, tendons,
27 fascia and the lymphatic system of another person's body in order to
28 enhance or restore the general health and well-being of the recipient.

29 (1) Such system includes, but is not limited to:

30 (A) Techniques such as effleurage, commonly called stroking or
31 gliding; petrissage, commonly called kneading; tapotement or percussion;
32 friction, vibration, compression;

33 (B) stretching within the normal anatomical range of movement;

34 (C) hydrotherapy; or

35 (D) such techniques which may be applied with or without the aid of
36 lubricants, salt or herbal preparations, water, hot and cold applications or a

1 massage device that mimics or enhances the actions possible by human
2 hands.

3 (2) "Massage" or "massage therapy" does not include:

4 (A) Medical or nursing diagnosis of injury, illness or disease;

5 (B) therapeutic exercise;

6 (C) chiropractic joint adjustment;

7 (D) physical therapy joint mobilization or manipulation;

8 (E) electrical stimulation or application of ultrasound; or

9 (F) dispensing or issuing prescriptions or pharmaceutical agents.

10 (g) "Massage therapy services" include, but are not limited to:

11 (1) Development, implementation and modification of a massage
12 therapy treatment plan that addresses client soft tissue manifestations,
13 needs and concerns, including identifying indications, contraindications
14 and precautions of massage therapy within the scope of the act;

15 (2) obtaining informed consent regarding the risks and benefits of the
16 massage therapy treatment plan and application and modification of the
17 massage therapy treatment plan as needed;

18 (3) using effective interpersonal communication in the professional
19 relationship;

20 (4) utilizing an ethical decision-making process that conforms to the
21 ethical standards of the profession, as set forth in this act and in rules and
22 regulations;

23 (5) establishing and maintaining a practice environment that provides
24 for the client's health, safety and comfort; or

25 (6) establishing and maintaining client records, professional records
26 and business records in compliance with standards of professional conduct
27 as required by rules and regulations.

28 New Sec. 2. (a) Upon application to the board and the payment of the
29 required fees, an applicant for a license as a massage therapist may be
30 licensed as a massage therapist if the applicant meets all the requirements
31 of this act and provides documentation acceptable to the board that the
32 applicant:

33 (1) Has obtained a high school diploma or equivalent;

34 (2) is 18 years of age or older;

35 (3) has no other disqualifying conduct as defined by the board;

36 (4) has successfully completed a course of instruction approved by
37 the board consisting of at least 500 in-classroom hours of supervised
38 instruction, including massage therapy technique and theory,
39 contraindications, ethics, sanitation, hygiene, business training, anatomy,
40 physiology and pathology; and

41 (5) has successfully passed a nationally recognized competency
42 examination in massage that meets acceptable psychometric principles, is
43 statistically validated through a job-task analysis under current standards

1 for educational and professional testing and has been approved by the
2 board. The passage of this exam may have occurred prior to the effective
3 date of this act.

4 New Sec. 3. Prior to July 1, 2017, the board may issue a license as a
5 massage therapist to any individual who meets the requirements of section
6 2(a)(1), (2) and (3), and amendments thereto, and one of the following
7 requirements verified to the board by affidavit:

8 (a) The individual has completed a minimum of 500 hours of
9 instruction relating to massage therapy at a massage school or comparable
10 legal authority in another state verified to the board by affidavit;

11 (b) the individual has completed at least 300 hours of training in
12 massage therapy during the three years;

13 (c) the individual has practiced for at least three years;

14 (d) the individual has been an active member in good standing of a
15 professional massage or bodywork therapy association as a massage or
16 bodywork therapist for a period of at least 12 months; or

17 (e) the individual has successfully passed an examination meeting the
18 requirements of section 2(a)(5), and amendments thereto, or passed a
19 nationally recognized certification examination.

20 New Sec. 4. (a) The board may issue a license to practice massage
21 therapy as a licensed massage therapist to an applicant who has been duly
22 licensed as a massage therapist by examination under the laws of another
23 state or territory if, in the opinion of the board, the applicant meets the
24 qualifications required of a licensed professional in this state. Verification
25 of the applicant's licensure status shall be required from the original state
26 of licensure.

27 (b) The board may issue a temporary permit to practice massage
28 therapy as a licensed massage therapist for a period not to exceed 120
29 days. A temporary permit for 120 days may be issued to an applicant for
30 licensure as a licensed massage therapist who is a graduate of a massage
31 school in a foreign country after verification of licensure in that foreign
32 country and approval of educational credentials.

33 New Sec. 5. (a) Nothing in this act shall be construed to restrict any
34 person licensed or regulated by the state of Kansas from engaging in the
35 profession or practice for which they are licensed or regulated including,
36 but not limited to, acupuncture, athletic training, barbering, chiropractic,
37 cosmetology, dentistry, electrology, esthetics, manicuring, medicine,
38 naturopathic medicine, nursing, occupational therapy, osteopathy, physical
39 therapy, podiatry, professional counseling, psychology, social work or
40 veterinary medicine or any other licensed or regulated profession by the
41 state of Kansas.

42 (b) Nothing in this act shall prohibit:

43 (1) The practice of massage therapy by a person employed by the

1 government of the United States while the person is engaged in the
2 performance of duties prescribed by the laws and regulations of the United
3 States;

4 (2) the practice of massage therapy by persons duly licensed,
5 registered, or certified in another state, territory, the District of Columbia,
6 or a foreign country when incidentally called into this state to teach a
7 course related to massage therapy or to consult with a person licensed
8 under this act;

9 (3) students currently enrolled in a massage school while completing
10 a clinical requirement or supervised massage therapy fieldwork experience
11 for graduation performed under the supervision of a person licensed under
12 this act, provided the student does not hold oneself out as a licensed
13 massage therapist and does not receive compensation for services
14 performed;

15 (4) any person performing massage therapy services in the state, if
16 those services are performed without compensation and are performed in
17 cooperation with a charitable organization or as part of an emergency
18 response team working in conjunction with disaster relief officials;

19 (5) the practice, conduct and activities or services of a person who is
20 employed by a non-resident performance team, entertainer, or an athletic
21 team to the extent that such services or activities are provided solely to the
22 team or entertainer in the state for not more than 30 days;

23 (6) persons giving massage to members of such person's immediate or
24 extended family without compensation;

25 (7) persons who restrict their manipulation of the soft tissues of the
26 human body to the hands, feet or ears and do not hold themselves out to be
27 massage therapists;

28 (8) members of any church practicing their religious tenets;

29 (9) the practice of any person in this state who uses touch, words and
30 directed movement to deepen awareness of existing patterns of movement
31 in the body as well as to suggest new possibilities of movement while
32 engaged within the scope of practice of a profession, provided that they do
33 not hold themselves out to be massage therapists. Such practices include,
34 but are not limited to, the Feldenkrais method of somatic education, the
35 Trager approach to movement education, and body-mind centering;

36 (10) the practice of any person in this state who uses touch to affect
37 the energy systems, acupoints or qi meridians (channels of energy) of the
38 human body while engaged within the scope of practice of a profession,
39 provided that they do not hold themselves out to be massage therapists.
40 Such practices include, but are not limited to, polarity, polarity therapy,
41 polarity bodywork therapy, Asian bodywork therapy, acupressure, jin shin
42 do, qi gong, reiki, shiatsu and ortho bionomy; or

43 (11) persons engaged in the profession of structural integration,

1 restoring postural balance and functional ease by integrating the body in
2 gravity based on a system of fascial manipulation and awareness, provided
3 that they do not hold themselves out to be massage therapists. Such
4 practices include, but are not limited to, rolfing structural integration, the
5 guild for structural integration and Hellerwork.

6 New Sec. 6. (a) A person licensed under this act as a massage
7 therapist shall:

8 (1) Use the letters "LMT" to identify themselves to patients or the
9 public; and

10 (2) be authorized to use words, including "massage therapist,"
11 "massagist," "massotherapist," "myotherapist," "body therapist," "massage
12 technician," "massage practitioner," "masseur," "masseuse" or any
13 derivation of those terms that implies this practice to indicate that such
14 person is a massage therapist licensed under the act.

15 (b) On and after September 1, 2017, it shall be unlawful for any
16 person who is not licensed under this act as a massage therapist or whose
17 license has been suspended, revoked or lapsed to promote oneself to the
18 public in any manner as a licensed massage therapist or to engage in the
19 practice of massage therapy. An intentional violation of this subsection
20 shall constitute a class B person misdemeanor.

21 (c) No statute granting authority to persons licensed or registered by
22 the state board of nursing shall be construed to confer authority upon a
23 massage therapist to engage in any activity not conferred by this act.

24 New Sec. 7. (a) An advisory committee of six members, two board
25 members and four non-board members, shall be established by the board
26 to advise and assist the board in implementing this act as determined by
27 the board. The advisory committee shall meet at least annually. Members
28 of the advisory committee shall receive amounts provided for in K.S.A.
29 75-3223(e), and amendments thereto, for each day of actual attendance at
30 any meeting of the advisory committee or any subcommittee meeting of
31 the advisory committee authorized by the board.

32 (b) The two board members shall be appointed by the state board of
33 nursing. The three non-board members of the massage therapy advisory
34 committee shall be appointed by the state board of nursing, shall be
35 massage therapists and shall be citizens and residents of the state. No more
36 than one member may be an owner of a massage school. The fourth non-
37 board member shall be the designee of the Kansas attorney general. The
38 members of the committee shall be appointed for terms of two years and
39 shall serve at the pleasure of the state board of nursing.

40 New Sec. 8. (a) The board shall biennially charge and collect in
41 advance fees provided for in this act as fixed by the board by rules and
42 regulations, subject to the following limitations:

43 Application fee, not more than.....\$80

1	Temporary permit fee, not more than.....	\$25
2	License renewal fee, not more than.....	\$75
3	License reinstatement fee, not more than.....	\$80
4	Certified copy of license, not more than.....	\$25
5	Written verification of license, not more than.....	\$30
6	Inactive license fee, not more than.....	\$20

7 (b) The board may require that fees paid for any examination under
8 the massage therapist licensure act be paid directly to the examination
9 service by the person taking the examination.

10 (c) The board shall accept for payment of fees under this section
11 personal checks, certified checks, cashier's checks, money orders or credit
12 cards. The board may designate other methods of payment, but shall not
13 refuse payment in the form of a personal check. The board may impose
14 additional fees and recover any costs incurred by reason of payments made
15 by personal checks with insufficient funds and payments made by credit
16 cards.

17 New Sec. 9. (a) All licenses issued under the provisions of this act,
18 whether initial or renewal, shall expire every two years. The expiration
19 date shall be established by the rules and regulations of the board. The
20 board shall send a notice for renewal of license to every massage therapist
21 at least 60 days prior to the expiration date of such person's license. Every
22 person so licensed who desires to renew such license shall file with the
23 board, on or before the date of expiration of such license, a renewal
24 application together with the prescribed biennial renewal fee. Every
25 licensee who is no longer engaged in the active practice of massage
26 therapy may so state by affidavit and submit such affidavit with the
27 renewal application. An inactive license may be requested along with
28 payment of a fee which shall be fixed by rules and regulations of the
29 board. Except for the first renewal for a license that expires within 30
30 months following licensure examination or for renewal of a license that
31 expires within the first nine months following licensure by reinstatement
32 or endorsement, every licensee with an active massage therapy license
33 shall submit with the renewal application evidence of satisfactory
34 completion of a program of continuing massage therapy education
35 required by the board. The board, by duly adopted rules and regulations,
36 shall establish the requirements for such program of continuing massage
37 therapy education. The board shall require as a condition for renewal of a
38 license completion of no more than 12 hours biennially of continuing
39 education approved by the board in rules and regulations. Upon receipt of
40 such application, payment of fee, upon receipt of the evidence of
41 satisfactory completion of the required program of continuing massage
42 therapy education and upon being satisfied that the applicant meets the
43 requirements set forth by law in effect at the time of initial licensure of the

1 applicant, the board shall verify the accuracy of the application and grant a
2 renewal license.

3 (b) Any person who fails to secure a renewal license within the time
4 specified herein may secure a reinstatement of such lapsed license by
5 making verified application therefor on a form provided by the board, by
6 rules and regulations, and upon furnishing proof that the applicant is
7 competent and qualified to act as a massage therapist and by satisfying all
8 of the requirements for reinstatement, including payment to the board of a
9 reinstatement fee as established by the board. A reinstatement application
10 for licensure will be held awaiting completion of such documentation as
11 may be required, but such application shall not be held for a period of time
12 in excess of that specified in rules and regulations.

13 (c) (1) Each licensee shall notify the board in writing of:

14 (A) A change in name or address within 30 days of the change; or

15 (B) a conviction of any felony or misdemeanor, that is specified in
16 rules and regulations adopted by the board, within 30 days from the date
17 the conviction becomes final.

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

26 (d) (1) The board of nursing shall require an original applicant for
27 licensure as a massage therapist to be fingerprinted and submit to a state
28 and national criminal history record check. The fingerprints shall be used
29 to identify the applicant and to determine whether the applicant has a
30 record of criminal history in this state or other jurisdictions. The board of
31 nursing is authorized to submit the fingerprints to the Kansas bureau of
32 investigation and the federal bureau of investigation for a state and
33 national criminal history record check, and request subsequent arrest
34 notification services from both agencies. The board of nursing may use the
35 information obtained from fingerprinting and the applicant's criminal
36 history for purposes of verifying the identification of any applicant and in
37 the official determination of character and fitness of the applicant for any
38 licensure to practice massage therapy in this state.

39 (2) Local and state law enforcement officers and agencies shall assist
40 the board of nursing in the taking and processing of fingerprints of
41 applicants to practice massage therapy in this state and shall release all
42 records of adult convictions and non-convictions and adult convictions or
43 adjudications of another state or country to the board of nursing.

1 (3) The board shall fix a fee for fingerprinting of applicants or
2 licensees, or both, as may be required by the board in an amount necessary
3 to reimburse the board for the cost of the fingerprinting. Fees collected
4 under this subsection shall be deposited in the criminal background and
5 fingerprinting fund.

6 New Sec. 10. (a) The board may refuse to grant licensure to, or may
7 suspend, revoke, condition, limit, qualify or restrict the licensure issued
8 under this act of any individual who the board, after the opportunity for a
9 hearing, determines:

10 (1) Is incompetent to practice massage therapy, or is found to engage
11 in the practice of massage therapy in a manner harmful or dangerous to a
12 client or to the public;

13 (2) is convicted by a court of competent jurisdiction of a felony,
14 misdemeanor crimes against persons or substantiation of abuse against a
15 child, adult or resident of a care facility, even if not practice related;

16 (3) has violated a provision of the massage therapist licensure act or
17 one or more of the rules and regulations of the board;

18 (4) has obtained or attempted to obtain a license or license renewal by
19 bribery or fraudulent representation;

20 (5) has knowingly made a false statement on a form required by the
21 board for license or license renewal;

22 (6) has failed to obtain continuing education credits required by rules
23 and regulations of the board;

24 (7) has been found guilty of unprofessional conduct as defined by
25 rules and regulations established by the board; or

26 (8) has had a registration, license or certificate as a massage therapist
27 revoked, suspended or limited, or has had other disciplinary action taken,
28 or an application for registration, license or certificate denied by the proper
29 regulatory authority of another state, territory, District of Columbia or
30 another country, a certified copy of the record of the action of the other
31 jurisdiction being conclusive evidence thereof.

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

42 (c) No person shall be excused from testifying in any proceedings
43 before the board under this act or in any civil proceedings under this act

1 before a court of competent jurisdiction on the ground that such testimony
2 may incriminate the person testifying, but such testimony shall not be used
3 against the person for the prosecution of any crime under the laws of this
4 state except the crime of perjury as defined in K.S.A. 2014 Supp. 21-5903,
5 and amendments thereto.

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

17 (e) The denial, suspension, revocation or limitation of a license or
18 public or private censure of a licensee may be ordered by the board after
19 notice and hearing on the matter in accordance with the provisions of the
20 Kansas administrative procedure act. The board shall also notify the local
21 law enforcement agency upon disciplinary action. Upon the end of the
22 period no less than two years for the revocation of a license, application
23 may be made to the board for reinstatement. The board shall have
24 discretion to accept or reject an application for reinstatement and may hold
25 a hearing to consider such reinstatement. An application for reinstatement
26 of a revoked license shall be accompanied by the license reinstatement fee
27 established under section 8, and amendments thereto.

28 (f) The board, in addition to any other penalty prescribed in
29 subsection (a), may assess a civil fine, after proper notice and an
30 opportunity to be heard, against a licensee for unprofessional conduct in an
31 amount not to exceed \$1,000 for the first violation, \$2,000 for the second
32 violation and \$3,000 for the third violation and for each subsequent
33 violation. All fines assessed and collected under this section shall be
34 remitted to the state treasurer in accordance with the provisions of K.S.A.
35 75-4215, and amendments thereto. Upon receipt of each such remittance,
36 the state treasurer shall deposit the entire amount in the state treasury to
37 the credit of the state general fund.

38 (g) The board, upon request, shall receive from the Kansas bureau of
39 investigation such criminal history record information relating to arrests
40 and criminal convictions as necessary for the purpose of determining
41 initial and continuing qualifications of licensees and applicants for
42 licensure by the board.

43 New Sec. 11. The board shall remit all moneys received from fees,

1 charges or penalties to the state treasurer in accordance with the provisions
2 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
3 remittance, the state treasurer shall deposit the entire amount in the state
4 treasury. Ten percent of each such deposit shall be credited to the state
5 general fund and the balance shall be credited to the nursing fee fund. All
6 expenditures from such fund shall be made in accordance with
7 appropriation acts upon warrants of the director of accounts and reports
8 issued pursuant to vouchers approved by the president of the board or by a
9 person designated by the president of the board.

10 New Sec. 12. A local unit of government shall not establish or
11 maintain professional licensing requirements for a massage therapist
12 licensed under this act. Nothing in this act shall affect local zoning
13 requirements. Local government law enforcement agencies may inspect
14 massage therapy registrations and the business premises where massage
15 therapy is practiced for compliance with applicable laws. Nothing in this
16 section shall be construed to preclude criminal prosecution for a violation
17 of any criminal law. If such inspection reveals the practice of massage
18 therapy by a person without a valid license, the person may be charged
19 with a violation of section 6(b), and amendments thereto.

20 New Sec. 13. (a) When it appears to the board that any person is
21 violating any of the provisions of this act, the board may bring an action in
22 the name of the state of Kansas in a court of competent jurisdiction for an
23 injunction against such violation without regard to whether proceedings
24 have been or may be instituted before the board or whether criminal
25 proceedings have been or may be instituted.

26 (b) The provisions of this section shall take effect on and after
27 September 1, 2017.

28 New Sec. 14. All state agency adjudicative proceedings under the
29 licensed massage therapist act shall be conducted in accordance with the
30 provisions of the Kansas administrative procedure act and shall be
31 reviewable in accordance with the Kansas judicial review act.

32 New Sec. 15. Professional liability insurance coverage shall be
33 maintained in effect by each massage therapist as a condition to rendering
34 professional service as a massage therapist in this state. The board shall fix
35 by rules and regulations the minimum level of coverage for such
36 professional liability insurance.

37 New Sec. 16. On the effective date of this act, nothing in the massage
38 therapist licensure act or in the provisions of K.S.A. 40-2,100 through 40-
39 2,105, and amendments thereto, or K.S.A. 2014 Supp. 40-2,105a through
40 40-2,105d, and amendments thereto, shall be construed to require that any
41 individual, group or blanket policy of accident and sickness, medical or
42 surgical expense insurance coverage or any provision of a policy, contract,
43 plan or agreement for medical service issued on or after the effective date

1 of this act, reimburse or indemnify a person licensed under the massage
2 therapist licensure act for services provided as a massage therapist.

3 New Sec. 17. Sections 1 through 17, and amendments thereto, shall
4 be known and may be cited as the massage therapist licensure act.

5 Sec. 18. K.S.A. 2014 Supp. 74-1112 is hereby amended to read as
6 follows: 74-1112. (a) The board of nursing may require an original
7 applicant for licensure as a professional nurse, practical nurse-~~or~~, mental
8 health technician *or massage therapist* to be fingerprinted and submit to a
9 state and national criminal history record check. The fingerprints shall be
10 used to identify the applicant and to determine whether the applicant has a
11 record of criminal history in this state or other jurisdictions. The board of
12 nursing is authorized to submit the fingerprints to the Kansas bureau of
13 investigation and the federal bureau of investigation for a state and
14 national criminal history record check. The board of nursing may use the
15 information obtained from fingerprinting and the applicant's criminal
16 history for purposes of verifying the identification of any applicant and in
17 the official determination of character and fitness of the applicant for any
18 licensure to practice professional or practical nursing-~~or~~, mental health
19 technology *or massage therapy* in this state.

20 (b) Local and state law enforcement officers and agencies shall assist
21 the board of nursing in taking and processing of fingerprints of applicants
22 to practice professional or practical nursing-~~or~~, mental health technology
23 *or massage therapy* in this state and shall release all records of adult
24 convictions and nonconvictions and adult convictions or adjudications of
25 another state or country to the board of nursing.

26 (c) The board shall fix a fee for fingerprinting of applicants or
27 licensees, or both, as may be required by the board in an amount necessary
28 to reimburse the board for the cost of the fingerprinting. Fees collected
29 under this subsection shall be deposited in the criminal background and
30 fingerprinting fund.

31 (d) There is hereby created in the state treasury the criminal
32 background and fingerprinting fund. All moneys credited to the fund shall
33 be used to pay the Kansas bureau of investigation for the processing of
34 fingerprints and criminal history background checks for the board of
35 nursing. The fund shall be administered by the board of nursing. All
36 expenditures from the fund shall be made in accordance with appropriation
37 acts upon warrants of the director of accounts and reports issued pursuant
38 to vouchers approved by the president of the board or a person designated
39 by the president.

40 Sec. 19. K.S.A. 2014 Supp. 74-1112 is hereby repealed.

41 Sec. 20. This act shall take effect and be in force from and after its
42 publication in the statute book.

SENATE BILL No. 69

By Committee on Public Health and Welfare

1-22

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 and
3 K.S.A. 2013 Supp. 65-1626, as amended by section 4 of chapter 131 of
4 the 2014 Session Laws of Kansas, 65-4101, as amended by section 50
5 of chapter 131 of the 2014 Session Laws of Kansas, 65-6112, as
6 amended by section 51 of chapter 131 of the 2014 Session Laws of
7 Kansas and 65-6124, as amended by section 52 of chapter 131 of the
8 2014 Session Laws of Kansas and K.S.A. 2014 Supp. 39-923, 39-1401,
9 39-1430, 39-1504, 65-468, 65-507, 65-1113, 65-1130, 65-1682, 65-
10 2837a, 65-2921, 65-4116, 65-4202, 65-5402, 65-5418, 65-6119, 65-
11 6120, 65-6121, 65-6123, 65-6144, 65-7003, 65-7302, 72-5213 and 75-
12 7429 and repealing the existing sections.

13

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

15 Section 1. K.S.A. 2014 Supp. 65-1113 is hereby amended to read as
16 follows: 65-1113. When used in this act and the act of which this section is
17 amendatory:

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

19 (b) "Diagnosis" in the context of nursing practice means that
20 identification of and discrimination between physical and psychosocial
21 signs and symptoms essential to effective execution and management of
22 the nursing regimen and shall be construed as distinct from a medical
23 diagnosis.

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

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

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

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

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

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

23 Sec. 2. K.S.A. 2014 Supp. 65-1130 is hereby amended to read as
24 follows: 65-1130. (a) No professional nurse shall announce or represent to
25 the public that such person is an advanced practice registered nurse unless
26 such professional nurse has complied with requirements established by the
27 board and holds a valid license as an advanced practice registered nurse in
28 accordance with the provisions of this section.

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

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

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

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

4 (2) Establish education and qualifications necessary for licensure for
5 each ~~role~~ of advanced practice registered nurse *role* established by the
6 board at a level adequate to assure the competent performance by
7 advanced practice registered nurses of functions and procedures which
8 advanced practice registered nurses are authorized to perform. Advanced
9 practice registered nursing is based on knowledge and skills acquired in
10 basic nursing education, licensure as a registered nurse and graduation
11 from or completion of a master's or higher degree in one of the advanced
12 practice registered nurse roles approved by the board of nursing.

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

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

43 (f) *The practice of nursing as an advanced practice registered nurse*

1 means the performance for compensation or gratuitously, except as
2 permitted by K.S.A. 65-1124, and amendments thereto, of the process in
3 which advanced knowledge derived from the biological, physical and
4 behavioral sciences is applied to direct and indirect care, including, but
5 not limited to, creating and executing a health care plan; nursing and
6 medical diagnosis, management, treatment and prescribing; administering
7 pharmacologic and non-pharmacologic interventions; counseling and
8 health teaching of persons who are experiencing changes in the normal
9 health processes or who require assistance in the maintenance of health;
10 or the prevention or management of illness, injury or infirmity;
11 administration, supervising or teaching within the advanced practice
12 registered nurse's role. Within the role of the advanced practice registered
13 nurse, an advanced practice registered nurse may serve as a primary care
14 provider and lead health care teams.

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

1 provisions of this subsection. ~~For the purposes of this subsection,~~
2 ~~"responsible physician" means a person licensed to practice medicine and~~
3 ~~surgery in Kansas who has accepted responsibility for the protocol and the~~
4 ~~actions of the advanced practice registered nurse when prescribing drugs.~~

5 ~~(e) (h) An advanced practice registered nurse is accountable to~~
6 ~~patients, the nursing profession and the board for complying with the~~
7 ~~requirements of the nurse practice act, and any rules and regulations~~
8 ~~adopted pursuant thereto, and is responsible for recognizing limits of~~
9 ~~knowledge and experience, planning for the management of situations~~
10 ~~beyond the advanced practice registered nurse's expertise and referring~~
11 ~~patients to other health care professionals as appropriate.~~

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

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

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

30 (4) As part of the program of transition to full practice, the board
31 shall specify the manner and form in which the advanced practice
32 registered nurse participating in the program may identify oneself
33 professionally and to the public.

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

37 (6) Upon the successful completion of the program of transition to
38 full practice, the board of nursing shall authorize the advanced practice
39 registered nurse to engage in the practice of advanced practice registered
40 nursing without the limitations of this subsection and as otherwise
41 authorized by law.

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

1 (8) *An advanced practice registered nurse functioning in the role of*
 2 *registered nurse anesthetist shall be subject to the provisions of K.S.A. 65-*
 3 *1151 to 65-1164, inclusive, and amendments thereto, and shall not be*
 4 *subject to the provisions of this subsection.*

5 (9) *As used in this subsection, "physician" means a person licensed to*
 6 *practice medicine and surgery.*

7 (i) *When a provision of law or rule and regulation requires a*
 8 *signature, certification, verification, affidavit or endorsement by a*
 9 *physician, that requirement may be fulfilled by a licensed advanced*
 10 *practice registered nurse working within the scope of practice of such*
 11 *nurse's respective role.*

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

17 (l) *An advanced practice registered nurse shall maintain malpractice*
 18 *insurance coverage in effect as a condition to rendering professional*
 19 *service as an advanced practice registered nurse in this state and shall*
 20 *provide proof of insurance at time of licensure and renewal of license. The*
 21 *requirements of this subsection shall not apply to an advanced practice*
 22 *registered nurse who practices solely in an employment which results in*
 23 *the advanced practice registered nurse being covered under the federal*
 24 *tort claim act or state tort claims act, or who practices solely as a*
 25 *charitable health care provider under K.S.A. 75-6102, and amendments*
 26 *thereto, or who is serving on active duty in the military service of the*
 27 *United States.*

28 (m) *As used in this section, "drug" means those articles and*
 29 *substances defined as drugs in K.S.A. 65-1626 and 65-4101, and*
 30 *amendments thereto.*

31 ~~(f) A person registered to practice as an advanced registered nurse~~
 32 ~~practitioner in the state of Kansas immediately prior to the effective date of~~
 33 ~~this act shall be deemed to be licensed to practice as an advanced practice~~
 34 ~~registered nurse under this act and such person shall not be required to file~~
 35 ~~an original application for licensure under this act. Any application for~~
 36 ~~registration filed which has not been granted prior to the effective date of~~
 37 ~~this act shall be processed as an application for licensure under this act.~~

38 Sec. 3. K.S.A. 2014 Supp. 39-923 is hereby amended to read as
 39 follows: 39-923. (a) As used in this act:

40 (1) "Adult care home" means any nursing facility, nursing facility for
 41 mental health, intermediate care facility for people with intellectual
 42 disability, assisted living facility, residential health care facility, home plus,
 43 boarding care home and adult day care facility; all of which are

1 classifications of adult care homes and are required to be licensed by the
2 secretary for aging and disability services.

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

8 (3) "Nursing facility for mental health" means any place or facility
9 operating 24 hours a day, seven days a week, caring for six or more
10 individuals not related within the third degree of relationship to the
11 administrator or owner by blood or marriage and who, due to functional
12 impairments, need skilled nursing care and special mental health services
13 to compensate for activities of daily living limitations.

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

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

34 (6) "Residential health care facility" means any place or facility, or a
35 contiguous portion of a place or facility, caring for six or more individuals
36 not related within the third degree of relationship to the administrator,
37 operator or owner by blood or marriage and who, by choice or due to
38 functional impairments, may need personal care and may need supervised
39 nursing care to compensate for activities of daily living limitations and in
40 which the place or facility includes individual living units and provides or
41 coordinates personal care or supervised nursing care available on a 24-
42 hour, seven-days-a-week basis for the support of resident independence.
43 The provision of skilled nursing procedures to a resident in a residential

1 health care facility is not prohibited by this act. Generally, the skilled
2 services provided in a residential health care facility shall be provided on
3 an intermittent or limited term basis, or if limited in scope, a regular basis.

4 (7) "Home plus" means any residence or facility caring for not more
5 than 12 individuals not related within the third degree of relationship to the
6 operator or owner by blood or marriage unless the resident in need of care
7 is approved for placement by the secretary for children and families, and
8 who, due to functional impairment, needs personal care and may need
9 supervised nursing care to compensate for activities of daily living
10 limitations. The level of care provided to residents shall be determined by
11 preparation of the staff and rules and regulations developed by the Kansas
12 department for aging and disability services. An adult care home may
13 convert a portion of one wing of the facility to a not less than five-bed and
14 not more than 12-bed home plus facility provided that the home plus
15 facility remains separate from the adult care home, and each facility must
16 remain contiguous. Any home plus that provides care for more than eight
17 individuals after the effective date of this act shall adjust staffing personnel
18 and resources as necessary to meet residents' needs in order to maintain the
19 current level of nursing care standards. Personnel of any home plus who
20 provide services for residents with dementia shall be required to take
21 annual dementia care training.

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

28 (9) "Adult day care" means any place or facility operating less than
29 24 hours a day caring for individuals not related within the third degree of
30 relationship to the operator or owner by blood or marriage and who, due to
31 functional impairment, need supervision of or assistance with activities of
32 daily living.

33 (10) "Place or facility" means a building or any one or more complete
34 floors of a building, or any one or more complete wings of a building, or
35 any one or more complete wings and one or more complete floors of a
36 building, and the term "place or facility" may include multiple buildings.

37 (11) "Skilled nursing care" means services performed by or under the
38 immediate supervision of a registered professional nurse and additional
39 licensed nursing personnel. Skilled nursing includes administration of
40 medications and treatments as prescribed by a licensed physician,
41 *advanced practice registered nurse* or dentist; and other nursing functions
42 which require substantial nursing judgment and skill based on the
43 knowledge and application of scientific principles.

- 1 (12) "Supervised nursing care" means services provided by or under
2 the guidance of a licensed nurse with initial direction for nursing
3 procedures and periodic inspection of the actual act of accomplishing the
4 procedures; administration of medications and treatments as prescribed by
5 a licensed physician, *advanced practice registered nurse* or dentist and
6 assistance of residents with the performance of activities of daily living.
- 7 (13) "Resident" means all individuals kept, cared for, treated, boarded
8 or otherwise accommodated in any adult care home.
- 9 (14) "Person" means any individual, firm, partnership, corporation,
10 company, association or joint-stock association, and the legal successor
11 thereof.
- 12 (15) "Operate an adult care home" means to own, lease, establish,
13 maintain, conduct the affairs of or manage an adult care home, except that
14 for the purposes of this definition the word "own" and the word "lease"
15 shall not include hospital districts, cities and counties which hold title to
16 an adult care home purchased or constructed through the sale of bonds.
- 17 (16) "Licensing agency" means the secretary for aging and disability
18 services.
- 19 (17) "Skilled nursing home" means a nursing facility.
- 20 (18) "Intermediate nursing care home" means a nursing facility.
- 21 (19) "Apartment" means a private unit which includes, but is not
22 limited to, a toilet room with bathing facilities, a kitchen, sleeping, living
23 and storage area and a lockable door.
- 24 (20) "Individual living unit" means a private unit which includes, but
25 is not limited to, a toilet room with bathing facilities, sleeping, living and
26 storage area and a lockable door.
- 27 (21) "Operator" means an individual registered pursuant to the
28 operator registration act, K.S.A. 2014 Supp. 39-973 et seq., and
29 amendments thereto, who may be appointed by a licensee to have the
30 authority and responsibility to oversee an assisted living facility or
31 residential health care facility with fewer than 61 residents, a home plus or
32 adult day care facility.
- 33 (22) "Activities of daily living" means those personal, functional
34 activities required by an individual for continued well-being, including,
35 but not limited to, eating, nutrition, dressing, personal hygiene, mobility
36 and toileting.
- 37 (23) "Personal care" means care provided by staff to assist an
38 individual with, or to perform activities of daily living.
- 39 (24) "Functional impairment" means an individual has experienced a
40 decline in physical, mental and psychosocial well-being and as a result, is
41 unable to compensate for the effects of the decline.
- 42 (25) "Kitchen" means a food preparation area that includes a sink,
43 refrigerator and a microwave oven or stove.

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

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

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

15 (29) "Licensee" means any person or persons acting jointly or
16 severally who are licensed by the secretary for aging and disability
17 services pursuant to the adult care home licensure act, K.S.A. 39-923 et
18 seq., and amendments thereto.

19 (b) The term "adult care home" shall not include institutions operated
20 by federal or state governments, except institutions operated by the
21 director of the Kansas commission on veterans affairs office, hospitals or
22 institutions for the treatment and care of psychiatric patients, child care
23 facilities, maternity centers, hotels, offices of physicians or hospices which
24 are certified to participate in the medicare program under 42 code of
25 federal regulations, chapter IV, section 418.1 et seq., and amendments
26 thereto, and which provide services only to hospice patients.

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

31 (d) Facilities licensed under the adult care home licensure act on the
32 day immediately preceding the effective date of this act shall continue to
33 be licensed facilities until the annual renewal date of such license and may
34 renew such license in the appropriate licensure category under the adult
35 care home licensure act subject to the payment of fees and other conditions
36 and limitations of such act.

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

41 (f) The licensing agency may by rule and regulation change the name
42 of the different classes of homes when necessary to avoid confusion in
43 terminology and the agency may further amend, substitute, change and in a

1 manner consistent with the definitions established in this section, further
2 define and identify the specific acts and services which shall fall within the
3 respective categories of facilities so long as the above categories for adult
4 care homes are used as guidelines to define and identify the specific acts.

5 Sec. 4. K.S.A. 2014 Supp. 39-1401 is hereby amended to read as
6 follows: 39-1401. As used in this act:

7 (a) "Resident" means:

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

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

12 (3) any individual, kept, cared for, treated, boarded or otherwise
13 accommodated in a state psychiatric hospital or state institution for people
14 with intellectual disability.

15 (b) "Adult care home" has the meaning ascribed thereto in K.S.A. 39-
16 923, and amendments thereto.

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

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

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

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

38 (1) Infliction of physical or mental injury;

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

43 (3) unreasonable use of a physical restraint, isolation or medication

1 that harms or is likely to harm a resident;

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

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

10 (6) fiduciary abuse; or

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

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

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

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

26 (j) "Medical care facility" means a facility licensed under K.S.A. 65-
27 425 et seq., and amendments thereto, but shall not include, for purposes of
28 this act, a state psychiatric hospital or state institution for people with
29 intellectual disability, including Larned state hospital, Osawatomie state
30 hospital and Rainbow mental health facility, Kansas neurological institute
31 and Parsons state hospital and training center.

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

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

38 (m) "State institution for people with intellectual disability" means
39 Kansas neurological institute and Parsons state hospital and training
40 center.

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

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

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

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

11 (r) "Governmental assistance provider" means an agency, or
12 employee of such agency, which is funded solely or in part to provide
13 assistance within the Kansas senior care act, K.S.A. 75-5926 et seq., and
14 amendments thereto, including medicaid and medicare.

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

20 Sec. 5. K.S.A. 2014 Supp. 39-1430 is hereby amended to read as
21 follows: 39-1430. As used in this act:

22 (a) "Adult" means an individual 18 years of age or older alleged to be
23 unable to protect their own interest and who is harmed or threatened with
24 harm, whether financial, mental or physical in nature, through action or
25 inaction by either another individual or through their own action or
26 inaction when: (1) Such person is residing in such person's own home, the
27 home of a family member or the home of a friend; (2) such person resides
28 in an adult family home as defined in K.S.A. 39-1501, and amendments
29 thereto; or (3) such person is receiving services through a provider of
30 community services and affiliates thereof operated or funded by the
31 Kansas department for children and families or the Kansas department for
32 aging and disability services or a residential facility licensed pursuant to
33 K.S.A. 75-3307b, and amendments thereto. Such term shall not include
34 persons to whom K.S.A. 39-1401 et seq., and amendments thereto, apply.

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

37 (1) Infliction of physical or mental injury;

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

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

- 1 (4) unreasonable use of a physical or chemical restraint, medication
2 or isolation as punishment, for convenience, in conflict with a physician's
3 *or advanced practice registered nurse's* orders or as a substitute for
4 treatment, except where such conduct or physical restraint is in furtherance
5 of the health and safety of the adult;
- 6 (5) a threat or menacing conduct directed toward an adult that results
7 or might reasonably be expected to result in fear or emotional or mental
8 distress to an adult;
- 9 (6) fiduciary abuse; or
- 10 (7) omission or deprivation by a caretaker or another person of goods
11 or services which are necessary to avoid physical or mental harm or
12 illness.
- 13 (c) "Neglect" means the failure or omission by one's self, caretaker or
14 another person with a duty to supply or provide goods or services which
15 are reasonably necessary to ensure safety and well-being and to avoid
16 physical or mental harm or illness.
- 17 (d) "Exploitation" means misappropriation of an adult's property or
18 intentionally taking unfair advantage of an adult's physical or financial
19 resources for another individual's personal or financial advantage by the
20 use of undue influence, coercion, harassment, duress, deception, false
21 representation or false pretense by a caretaker or another person.
- 22 (e) "Fiduciary abuse" means a situation in which any person who is
23 the caretaker of, or who stands in a position of trust to, an adult, takes,
24 secretes, or appropriates their money or property, to any use or purpose not
25 in the due and lawful execution of such person's trust or benefit.
- 26 (f) "In need of protective services" means that an adult is unable to
27 provide for or obtain services which are necessary to maintain physical or
28 mental health or both.
- 29 (g) "Services which are necessary to maintain physical or mental
30 health or both" include, but are not limited to, the provision of medical
31 care for physical and mental health needs, the relocation of an adult to a
32 facility or institution able to offer such care, assistance in personal
33 hygiene, food, clothing, adequately heated and ventilated shelter,
34 protection from health and safety hazards, protection from maltreatment
35 the result of which includes, but is not limited to, malnutrition, deprivation
36 of necessities or physical punishment and transportation necessary to
37 secure any of the above stated needs, except that this term shall not include
38 taking such person into custody without consent except as provided in this
39 act.
- 40 (h) "Protective services" means services provided by the state or other
41 governmental agency or by private organizations or individuals which are
42 necessary to prevent abuse, neglect or exploitation. Such protective
43 services shall include, but shall not be limited to, evaluation of the need for

1 services, assistance in obtaining appropriate social services, and assistance
2 in securing medical and legal services.

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

5 (j) "Secretary" means the secretary for the Kansas department for
6 children and families.

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

10 (l) "Law enforcement" means the public office which is vested by law
11 with the duty to maintain public order, make arrests for crimes, investigate
12 criminal acts and file criminal charges, whether that duty extends to all
13 crimes or is limited to specific crimes.

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

16 (n) "Legal representative," "financial institution" and "governmental
17 assistance provider" shall have the meanings ascribed thereto in K.S.A.
18 39-1401, and amendments thereto.

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

24 Sec. 6. K.S.A. 2014 Supp. 39-1504 is hereby amended to read as
25 follows: 39-1504. The secretary shall administer the adult family home
26 registration program in accordance with the following requirements:

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

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

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

33 (4) The home shall have adequate living and sleeping space for
34 clients.

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

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

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

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

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

43 (10) The kitchen shall be clean with appliances in good working

1 order.

2 (b) (1) A healthy and safe environment shall be maintained for
3 clients.

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

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

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

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

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

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

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

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

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

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

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

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

42 (8) The provider shall keep client information confidential. The use or
43 disclosure of any information concerning a client for any purpose is

1 prohibited except on written consent of the client or upon order of the
2 court.

3 (9) The provider shall maintain contact with an assigned social
4 worker and shall allow the secretary and authorized representatives of the
5 secretary access to the home and grounds and to the records related to
6 clients in residence.

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

9 (11) The provider is responsible for helping clients maintain their
10 clothing.

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

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

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

17 Sec. 7. K.S.A. 40-4602 is hereby amended to read as follows: 40-
18 4602. As used in this act:

19 (a) "Emergency medical condition" means the sudden and, at the
20 time, unexpected onset of a health condition that requires immediate
21 medical attention, where failure to provide medical attention would result
22 in serious impairment to bodily functions or serious dysfunction of a
23 bodily organ or part, or would place the person's health in serious
24 jeopardy.

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

29 (c) "Health benefit plan" means any hospital or medical expense
30 policy, health, hospital or medical service corporation contract, a plan
31 provided by a municipal group-funded pool, a policy or agreement entered
32 into by a health insurer or a health maintenance organization contract
33 offered by an employer or any certificate issued under any such policies,
34 contracts or plans. "Health benefit plan" does not include policies or
35 certificates covering only accident, credit, dental, disability income, long-
36 term care, hospital indemnity, medicare supplement, specified disease,
37 vision care, coverage issued as a supplement to liability insurance,
38 insurance arising out of a workers compensation or similar law,
39 automobile medical-payment insurance, or insurance under which benefits
40 are payable with or without regard to fault and which is statutorily
41 required to be contained in any liability insurance policy or equivalent
42 self-insurance.

43 (d) "Health insurer" means any insurance company, nonprofit medical

1 and hospital service corporation, municipal group-funded pool, fraternal
2 benefit society, health maintenance organization, or any other entity which
3 offers a health benefit plan subject to the Kansas Statutes Annotated.

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

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

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

13 (h) "Provider network" means those participating providers who have
14 entered into a contract or agreement with a health insurer to provide items
15 or health care services to individuals covered by a health benefit plan
16 offered by such health insurer.

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

19 Sec. 8. K.S.A. 59-2976 is hereby amended to read as follows: 59-
20 2976. (a) Medications and other treatments shall be prescribed, ordered
21 and administered only in conformity with accepted clinical practice.
22 Medication shall be administered only upon the written order of a
23 physician *or an advanced practice registered nurse* or upon a verbal order
24 noted in the patient's medical records and subsequently signed by the
25 physician *or an advanced practice registered nurse*. The attending
26 physician *or an advanced practice registered nurse* shall review regularly
27 the drug regimen of each patient under the physician's *or an advanced*
28 *practice registered nurse's* care and shall monitor any symptoms of
29 harmful side effects. Prescriptions for psychotropic medications shall be
30 written with a termination date not exceeding 30 days thereafter but may
31 be renewed.

32 (b) During the course of treatment the responsible physician, *an*
33 *advanced practice registered nurse* or psychologist or such person's
34 designee shall reasonably consult with the patient, the patient's legal
35 guardian, or a minor patient's parent and give consideration to the views
36 the patient, legal guardian or parent expresses concerning treatment and
37 any alternatives. No medication or other treatment may be administered to
38 any voluntary patient without the patient's consent, or the consent of such
39 patient's legal guardian or of such patient's parent if the patient is a minor.

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

43 (d) Whenever any patient is receiving treatment pursuant to K.S.A.

1 59-2954, 59-2958, 59-2959, 59-2964, 59-2966 or 59-2967, and
2 amendments thereto, and the treatment facility is administering to the
3 patient any medication or other treatment which alters the patient's mental
4 state in such a way as to adversely affect the patient's judgment or hamper
5 the patient in preparing for or participating in any hearing provided for by
6 this act, then two days prior to and during any such hearing, the treatment
7 facility may not administer such medication or other treatment unless such
8 medication or other treatment is necessary to sustain the patient's life or to
9 protect the patient or others. Prior to the hearing, a report of all such
10 medications or other treatment which have been administered to the
11 patient, along with a copy of any written consent(s) which the patient may
12 have signed, shall be submitted to the court. Counsel for the patient may
13 preliminarily examine the attending physician regarding the administration
14 of any medication to the patient within two days of the hearing with regard
15 to the affect that medication may have had upon the patient's judgment or
16 ability to prepare for or participate in the hearing. On the basis thereof, if
17 the court determines that medication or other treatment has been
18 administered which adversely affects the patient's judgment or ability to
19 prepare for or participate in the hearing, the court may grant to the patient
20 a reasonable continuance in order to allow for the patient to be better able
21 to prepare for or participate in the hearing and the court shall order that
22 such medication or other treatment be discontinued until the conclusion of
23 the hearing, unless the court finds that such medication or other treatment
24 is necessary to sustain the patient's life or to protect the patient or others,
25 in which case the court shall order that the hearing proceed.

26 (e) Whenever a patient receiving treatment pursuant to K.S.A. 59-
27 2954, 59-2958, 59-2959, 59-2964, 59-2966 or 59-2967, and amendments
28 thereto, objects to taking any medication prescribed for psychiatric
29 treatment, and after full explanation of the benefits and risks of such
30 medication continues their objection, the medication may be administered
31 over the patient's objection; except that the objection shall be recorded in
32 the patient's medical record and at the same time written notice thereof
33 shall be forwarded to the medical director of the treatment facility or the
34 director's designee. Within five days after receiving such notice, excluding
35 Saturdays, Sundays and legal holidays, the medical director or designee
36 shall deliver to the patient and the patient's physician the medical director's
37 or designee's written decision concerning the administration of that
38 medication, and a copy of that decision shall be placed in the patient's
39 medical record.

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

43 Sec. 9. K.S.A. 2014 Supp. 65-468 is hereby amended to read as

1 follows: 65-468. As used in K.S.A. 65-468 to 65-474, inclusive, and
2 amendments thereto:

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

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

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

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

20 (e) "Physician" means a person licensed to practice medicine and
21 surgery.

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

31 (g) "Critical access hospital" means a member of a rural health
32 network which makes available twenty-four hour emergency care services;
33 provides not more than 25 acute care inpatient beds or in the case of a
34 facility with an approved swing-bed agreement a combined total of
35 extended care and acute care beds that does not exceed 25 beds; provides
36 acute inpatient care for a period that does not exceed, on an annual average
37 basis, 96 hours per patient; and provides nursing services under the
38 direction of a licensed professional nurse and continuous licensed
39 professional nursing services for not less than 24 hours of every day when
40 any bed is occupied or the facility is open to provide services for patients
41 unless an exemption is granted by the licensing agency pursuant to rules
42 and regulations. The critical access hospital may provide any services
43 otherwise required to be provided by a full-time, on-site dietician,

1 pharmacist, laboratory technician, medical technologist and radiological
2 technologist on a part-time, off-site basis under written agreements or
3 arrangements with one or more providers or suppliers recognized under
4 medicare. The critical access hospital may provide inpatient services by a
5 physician assistant, ~~advanced practice registered nurse or a clinical nurse~~
6 ~~specialist~~ subject to the oversight of a physician who need not be present
7 in the facility *or by an advanced practice registered nurse*. In addition to
8 the facility's 25 acute beds or swing beds, or both, the critical access
9 hospital may have a psychiatric unit or a rehabilitation unit, or both. Each
10 unit shall not exceed 10 beds and neither unit will count toward the 25-bed
11 limit, nor will these units be subject to the average 96-hour length of stay
12 restriction.

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

18 Sec. 10. K.S.A. 2014 Supp. 65-507 is hereby amended to read as
19 follows: 65-507. (a) Each maternity center licensee shall keep a record
20 upon forms prescribed and provided by the secretary of health and
21 environment and the secretary for children and families which shall
22 include the name of every patient, together with the patient's place of
23 residence during the year preceding admission to the center and the name
24 and address of the attending physician *or advanced practice registered*
25 *nurse in the classification of a nurse-midwife*. Each child care facility
26 licensee shall keep a record upon forms prescribed and provided by the
27 secretary of health and environment which shall include the name and age
28 of each child received and cared for in the facility; the name of the
29 physician who attended any sick children in the facility, together with the
30 names and addresses of the parents or guardians of such children; and such
31 other information as the secretary of health and environment or secretary
32 for children and families may require. Each maternity center licensee and
33 each child care facility licensee shall apply to and shall receive without
34 charge from the secretary of health and environment and the secretary for
35 children and families forms for such records as may be required, which
36 forms shall contain a copy of this act.

37 (b) Information obtained under this section shall be confidential and
38 shall not be made public in a manner which would identify individuals.

39 Sec. 11. K.S.A. 2013 Supp. 65-1626, as amended by section 4 of
40 chapter 131 of the 2014 Session Laws of Kansas, is hereby amended to
41 read as follows: 65-1626. For the purposes of this act:

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

1 or research subject by:

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

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

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

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

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

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

28 (e) "Board" means the state board of pharmacy created by K.S.A. 74-
29 1603, and amendments thereto.

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

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

35 (h) "Chain pharmacy warehouse" means a permanent physical
36 location for drugs or devices, or both, that acts as a central warehouse and
37 performs intracompany sales or transfers of prescription drugs or devices
38 to chain pharmacies that have the same ownership or control. Chain
39 pharmacy warehouses must be registered as wholesale distributors.

40 (i) "Co-licensee" means a pharmaceutical manufacturer that has
41 entered into an agreement with another pharmaceutical manufacturer to
42 engage in a business activity or occupation related to the manufacture or
43 distribution of a prescription drug and the national drug code on the drug

1 product label shall be used to determine the identity of the drug
2 manufacturer.

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

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

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

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

16 (n) "Dispenser" means a practitioner or pharmacist who dispenses
17 prescription medication, or a physician assistant who has authority to
18 dispense prescription-only drugs in accordance with ~~subsection (b) of~~
19 K.S.A. 65-28a08(b), and amendments thereto.

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

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

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

37 (r) "Drug" means: (1) Articles recognized in the official United States
38 pharmacopoeia, or other such official compendiums of the United States,
39 or official national formulary, or any supplement of any of them; (2)
40 articles intended for use in the diagnosis, cure, mitigation, treatment or
41 prevention of disease in man or other animals; (3) articles, other than food,
42 intended to affect the structure or any function of the body of man or other
43 animals; and (4) articles intended for use as a component of any articles

1 specified in clause (1), (2) or (3) of this subsection; but does not include
2 devices or their components, parts or accessories, except that the term
3 "drug" shall not include amygdalin (laetrile) or any livestock remedy, if
4 such livestock remedy had been registered in accordance with the
5 provisions of article 5 of chapter 47 of the Kansas Statutes Annotated,
6 prior to its repeal.

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

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

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

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

31 (w) "Electronic transmission" means the transmission of an electronic
32 prescription, formatted as an electronic data file, from a prescriber's
33 electronic prescription application to a pharmacy's computer, where the
34 data file is imported into the pharmacy prescription application.

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

37 (y) "Exclusive distributor" means any entity that: (1) Contracts with a
38 manufacturer to provide or coordinate warehousing, wholesale distribution
39 or other services on behalf of a manufacturer and who takes title to that
40 manufacturer's prescription drug, but who does not have general
41 responsibility to direct the sale or disposition of the manufacturer's
42 prescription drug; (2) is registered as a wholesale distributor under the
43 pharmacy act of the state of Kansas; and (3) to be considered part of the

- 1 normal distribution channel, must be an authorized distributor of record.
- 2 (z) "Facsimile transmission" or "fax transmission" means the
3 transmission of a digital image of a prescription from the prescriber or the
4 prescriber's agent to the pharmacy. "Facsimile transmission" includes, but
5 is not limited to, transmission of a written prescription between the
6 prescriber's fax machine and the pharmacy's fax machine; transmission of
7 an electronically prepared prescription from the prescriber's electronic
8 prescription application to the pharmacy's fax machine, computer or
9 printer; or transmission of an electronically prepared prescription from the
10 prescriber's fax machine to the pharmacy's fax machine, computer or
11 printer.
- 12 (aa) "Generic name" means the established chemical name or official
13 name of a drug or drug product.
- 14 (bb) (1) "Institutional drug room" means any location where
15 prescription-only drugs are stored and from which prescription-only drugs
16 are administered or dispensed and which is maintained or operated for the
17 purpose of providing the drug needs of:
- 18 (A) Inmates of a jail or correctional institution or facility;
19 (B) residents of a juvenile detention facility, as defined by the revised
20 Kansas code for care of children and the revised Kansas juvenile justice
21 code;
- 22 (C) students of a public or private university or college, a community
23 college or any other institution of higher learning which is located in
24 Kansas;
- 25 (D) employees of a business or other employer; or
26 (E) persons receiving inpatient hospice services.
- 27 (2) "Institutional drug room" does not include:
- 28 (A) Any registered pharmacy;
29 (B) any office of a practitioner; or
30 (C) a location where no prescription-only drugs are dispensed and no
31 prescription-only drugs other than individual prescriptions are stored or
32 administered.
- 33 (cc) "Intermediary" means any technology system that receives and
34 transmits an electronic prescription between the prescriber and the
35 pharmacy.
- 36 (dd) "Intracompany transaction" means any transaction or transfer
37 between any division, subsidiary, parent or affiliated or related company
38 under common ownership or control of a corporate entity, or any
39 transaction or transfer between co-licensees of a co-licensed product.
- 40 (ee) "Medical care facility" shall have the meaning provided in
41 K.S.A. 65-425, and amendments thereto, except that the term shall also
42 include facilities licensed under the provisions of K.S.A. 75-3307b, and
43 amendments thereto, except community mental health centers and

1 facilities for people with intellectual disability.

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

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

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

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

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

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

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

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

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

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

1 to a patient; or

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

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

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

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

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

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

37 (oo) "Pharmacy prescription application" means software that is used
38 to process prescription information, is installed on a pharmacy's computers
39 or servers, and is controlled by the pharmacy.

40 (pp) "Pharmacy technician" means an individual who, under the
41 direct supervision and control of a pharmacist, may perform packaging,
42 manipulative, repetitive or other nondiscretionary tasks related to the
43 processing of a prescription or medication order and who assists the

1 pharmacist in the performance of pharmacy related duties, but who does
2 not perform duties restricted to a pharmacist.

3 (qq) "Practitioner" means a person licensed to practice medicine and
4 surgery, dentist, podiatrist, veterinarian, optometrist, *advanced practice*
5 *registered nurse who is licensed pursuant to K.S.A. 65-1131, and*
6 *amendments thereto, and who has authority to prescribe drugs in*
7 *accordance with K.S.A. 65-1130, and amendments thereto, a registered*
8 *nurse anesthetist registered pursuant to K.S.A. 65-1154, and amendments*
9 *thereto, or scientific investigator or other person authorized by law to use a*
10 prescription-only drug in teaching or chemical analysis or to conduct
11 research with respect to a prescription-only drug.

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

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

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

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

27 (vv) "Prescription-only drug" means any drug whether intended for
28 use by man or animal, required by federal or state law, including 21 U.S.C.
29 § 353, to be dispensed only pursuant to a written or oral prescription or
30 order of a practitioner or is restricted to use by practitioners only.

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

38 (xx) "Professional incompetency" means:

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

42 (2) repeated instances involving failure to adhere to the applicable
43 standard of pharmaceutical care to a degree which constitutes ordinary

1 negligence, as determined by the board; or

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

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

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

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

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

26 (ccc) "Unprofessional conduct" means:

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

28 (2) intentional adulteration or mislabeling of any drug, medicine,
29 chemical or poison;

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

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

33 (5) unlawful possession of drugs and unlawful diversion of drugs to
34 others;

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

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

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

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

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

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

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

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

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

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

35 (1) The sale, purchase or trade of a prescription drug or device, an
36 offer to sell, purchase or trade a prescription drug or device or the
37 dispensing of a prescription drug or device pursuant to a prescription;

38 (2) the sale, purchase or trade of a prescription drug or device or an
39 offer to sell, purchase or trade a prescription drug or device for emergency
40 medical reasons;

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

43 (4) 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 among
2 hospitals, chain pharmacy warehouses, pharmacies or other health care
3 entities that are under common control;

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

9 (6) the purchase or other acquisition by a hospital or other similar
10 health care entity that is a member of a group purchasing organization of a
11 prescription drug or device for its own use from the group purchasing
12 organization or from other hospitals or similar health care entities that are
13 members of these organizations;

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

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

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

22 (10) the sale, transfer, merger or consolidation of all or part of the
23 business of a retail pharmacy or pharmacies from or with another retail
24 pharmacy or pharmacies, whether accomplished as a purchase and sale of
25 stock or business assets, in accordance with the board's rules and
26 regulations;

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

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

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

36 Sec. 12. K.S.A. 65-1660 is hereby amended to read as follows: 65-
37 1660. (a) Except as otherwise provided in this section, the provisions of
38 the pharmacy act of the state of Kansas shall not apply to dialysates,
39 devices or drugs which are designated by the board for the purposes of this
40 section relating to treatment of a person with chronic kidney failure
41 receiving dialysis and which are prescribed or ordered by a physician, *an*
42 *advanced practice registered nurse* or a mid-level practitioner for
43 administration or delivery to a person with chronic kidney failure if:

- 1 (1) The wholesale distributor is registered with the board and lawfully
2 holds the drug or device; and
- 3 (2) the wholesale distributor: (A) Delivers the drug or device to: (i) A
4 person with chronic kidney failure for self-administration at the person's
5 home or specified address; (ii) a physician for administration or delivery to
6 a person with chronic kidney failure; or (iii) a medicare approved renal
7 dialysis facility for administering or delivering to a person with chronic
8 kidney failure; and (B) has sufficient and qualified supervision to
9 adequately protect the public health.
- 10 (b) The wholesale distributor pursuant to subsection (a) shall be
11 supervised by a pharmacist consultant pursuant to rules and regulations
12 adopted by the board.
- 13 (c) The board shall adopt such rules or regulations as are necessary to
14 effectuate the provisions of this section.
- 15 (d) As used in this section, "physician" means a person licensed to
16 practice medicine and surgery; "mid-level practitioner" means mid-level
17 practitioner as such term is defined ~~in subsection (ii) of~~ by K.S.A. 65-
18 1626, and amendments thereto; *"advanced practice registered nurse"*
19 *means an advanced practice registered nurse who is licensed pursuant to*
20 *K.S.A. 65-1131, and amendments thereto, and who has authority to*
21 *prescribe drugs in accordance with K.S.A. 65-1130, and amendments*
22 *thereto.*
- 23 (e) This section shall be part of and supplemental to the pharmacy act
24 of the state of Kansas.
- 25 Sec. 13. K.S.A. 2014 Supp. 65-1682 is hereby amended to read as
26 follows: 65-1682. As used in this act, unless the context otherwise
27 requires:
- 28 (a) "Board" means the state board of pharmacy.
- 29 (b) "Dispenser" means a practitioner or pharmacist who delivers a
30 scheduled substance or drug of concern to an ultimate user, but does not
31 include:
- 32 (1) A licensed hospital pharmacy that distributes such substances for
33 the purpose of inpatient hospital care;
- 34 (2) a medical care facility as defined in K.S.A. 65-425, and
35 amendments thereto, practitioner or other authorized person who
36 administers such a substance;
- 37 (3) a registered wholesale distributor of such substances;
- 38 (4) a veterinarian licensed by the Kansas board of veterinary
39 examiners who dispenses or prescribes a scheduled substance or drug of
40 concern; or
- 41 (5) a practitioner who has been exempted from the reporting
42 requirements of this act in rules and regulations promulgated by the board.
- 43 (c) "Drug of concern" means any drug that demonstrates a potential

1 for abuse and is designated as a drug of concern in rules and regulations
2 promulgated by the board.

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

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

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

13 (g) "Scheduled substance" means controlled substances included in
14 schedules II, III or IV of the schedules designated in K.S.A. 65-4107, 65-
15 4109 and 65-4111, and amendments thereto, respectively, or the federal
16 controlled substances act (21 U.S.C. § 812).

17 Sec. 14. K.S.A. 2014 Supp. 65-2837a is hereby amended to read as
18 follows: 65-2837a. (a) It shall be unlawful for any person licensed to
19 practice medicine and surgery to prescribe, order, dispense, administer,
20 sell, supply or give *or for any person licensed as an advanced practice*
21 *registered nurse* or for a mid-level practitioner as defined ~~in subsection (ii)~~
22 ~~of~~ by K.S.A. 65-1626, and amendments thereto, to prescribe, administer,
23 supply or give any amphetamine or sympathomimetic amine designated in
24 schedule II, III or IV under the uniform controlled substances act, except
25 as provided in this section. Failure to comply with this section by a
26 licensee shall constitute unprofessional conduct under K.S.A. 65-2837,
27 and amendments thereto.

28 (b) When any licensee prescribes, orders, dispenses, administers,
29 sells, supplies or gives or when *any advanced practice registered nurse or*
30 *any mid-level practitioner as defined in subsection (ii) of* by K.S.A. 65-
31 1626, and amendments thereto, prescribes, administers, sells, supplies or
32 gives any amphetamine or sympathomimetic amine designated in schedule
33 II, III or IV under the uniform controlled substances act, the patient's
34 medical record shall adequately document the purpose for which the drug
35 is being given. Such purpose shall be restricted to one or more of the
36 following:

- 37 (1) The treatment of narcolepsy.
38 (2) The treatment of drug-induced brain dysfunction.
39 (3) The treatment of hyperkinesia.
40 (4) The differential diagnostic psychiatric evaluation of depression.
41 (5) The treatment of depression shown by adequate medical records
42 and documentation to be unresponsive to other forms of treatment.
43 (6) The clinical investigation of the effects of such drugs or

1 compounds, in which case, before the investigation is begun, the licensee
2 shall, in addition to other requirements of applicable laws, apply for and
3 obtain approval of the investigation from the board of healing arts.

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

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

17 Sec. 15. K.S.A. 65-2892 is hereby amended to read as follows: 65-
18 2892. Any physician *or advanced practice registered nurse*, upon
19 consultation by any person under ~~eighteen~~ (18) 18 years of age as a
20 patient, may, with the consent of such person who is hereby granted the
21 right of giving such consent, make a diagnostic examination for venereal
22 disease and prescribe for and treat such person for venereal disease
23 including prophylactic treatment for exposure to venereal disease
24 whenever such person is suspected of having a venereal disease or contact
25 with anyone having a venereal disease. All such examinations and
26 treatment may be performed without the consent of, or notification to, the
27 parent, parents, guardian or any other person having custody of such
28 person. Any physician *or advanced practice registered nurse* examining or
29 treating such person for venereal disease may, but shall not be obligated to,
30 in accord with his opinion of what will be most beneficial for such person,
31 inform the spouse, parent, custodian, guardian or fiance of such person as
32 to the treatment given or needed without the consent of such person. Such
33 informing shall not constitute libel or slander or a violation of the right of
34 privacy or privilege or otherwise subject the physician *or advanced*
35 *practice registered nurse* to any liability whatsoever. In any such case, the
36 physician *or advanced practice registered nurse* shall incur no civil or
37 criminal liability by reason of having made such diagnostic examination or
38 rendered such treatment, but such immunity shall not apply to any
39 negligent acts or omissions. The physician *or advanced practice registered*
40 *nurse* shall incur no civil or criminal liability by reason of any adverse
41 reaction to medication administered, provided reasonable care has been
42 taken to elicit from such person under ~~eighteen~~ (18) 18 years of age any
43 history of sensitivity or previous adverse reaction to the medication.

1 Sec. 16. K.S.A. 2014 Supp. 65-2921 is hereby amended to read as
2 follows: 65-2921. (a) Except as otherwise provided in subsection (d), a
3 physical therapist may evaluate and initiate physical therapy treatment on
4 a patient without referral from a licensed health care practitioner. If
5 treating a patient without a referral from a licensed health care practitioner
6 and the patient is not progressing toward documented treatment goals as
7 demonstrated by objective, measurable or functional improvement, or any
8 combination thereof, after 10 patient visits or in a period of 15 business
9 days from the initial treatment visits following the initial evaluation visit,
10 the physical therapist shall obtain a referral from an appropriate licensed
11 health care practitioner prior to continuing treatment.

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

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

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

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

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

31 (g) As used in this section, "licensed health care practitioner" means a
32 person licensed to practice medicine and surgery, a licensed podiatrist, a
33 licensed physician assistant ~~or a licensed advanced practice registered~~
34 ~~nurse~~ working pursuant to the order or direction of a person licensed to
35 practice medicine and surgery, a licensed chiropractor, a licensed dentist
36 ~~or, a licensed optometrist or a licensed advanced practice registered nurse~~
37 in appropriately related cases.

38 Sec. 17. K.S.A. 2013 Supp. 65-4101, as amended by section 50 of
39 chapter 131 of the 2014 Session Laws of Kansas, is hereby amended to
40 read as follows: 65-4101. As used in this act: (a) "Administer" means the
41 direct application of a controlled substance, whether by injection,
42 inhalation, ingestion or any other means, to the body of a patient or
43 research subject by:

- 1 (1) A practitioner or pursuant to the lawful direction of a practitioner;
2 or
3 (2) the patient or research subject at the direction and in the presence
4 of the practitioner.
- 5 (b) "Agent" means an authorized person who acts on behalf of or at
6 the direction of a manufacturer, distributor or dispenser. It does not include
7 a common carrier, public warehouseman or employee of the carrier or
8 warehouseman.
- 9 (c) "Application service provider" means an entity that sells
10 electronic prescription or pharmacy prescription applications as a hosted
11 service where the entity controls access to the application and maintains
12 the software and records on its server.
- 13 (d) "Board" means the state board of pharmacy.
- 14 (e) "Bureau" means the bureau of narcotics and dangerous drugs,
15 United States department of justice, or its successor agency.
- 16 (f) "Controlled substance" means any drug, substance or immediate
17 precursor included in any of the schedules designated in K.S.A. 65-4105,
18 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.
- 19 (g) (1) "Controlled substance analog" means a substance that is
20 intended for human consumption, and:
21 (A) The chemical structure of which is substantially similar to the
22 chemical structure of a controlled substance listed in or added to the
23 schedules designated in K.S.A. 65-4105 or 65-4107, and amendments
24 thereto;
25 (B) which has a stimulant, depressant or hallucinogenic effect on the
26 central nervous system substantially similar to the stimulant, depressant or
27 hallucinogenic effect on the central nervous system of a controlled
28 substance included in the schedules designated in K.S.A. 65-4105 or 65-
29 4107, and amendments thereto; or
30 (C) with respect to a particular individual, which such individual
31 represents or intends to have a stimulant, depressant or hallucinogenic
32 effect on the central nervous system substantially similar to the stimulant,
33 depressant or hallucinogenic effect on the central nervous system of a
34 controlled substance included in the schedules designated in K.S.A. 65-
35 4105 or 65-4107, and amendments thereto.
- 36 (2) "Controlled substance analog" does not include:
37 (A) A controlled substance;
38 (B) a substance for which there is an approved new drug application;
39 or
40 (C) a substance with respect to which an exemption is in effect for
41 investigational use by a particular person under section 505 of the federal
42 food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with
43 respect to the substance is permitted by the exemption.

- 1 (h) "Counterfeit substance" means a controlled substance which, or
2 the container or labeling of which, without authorization bears the
3 trademark, trade name or other identifying mark, imprint, number or
4 device or any likeness thereof of a manufacturer, distributor or dispenser
5 other than the person who in fact manufactured, distributed or dispensed
6 the substance.
- 7 (i) "Cultivate" means the planting or promotion of growth of five or
8 more plants which contain or can produce controlled substances.
- 9 (j) "DEA" means the U.S. department of justice, drug enforcement
10 administration.
- 11 (k) "Deliver" or "delivery" means the actual, constructive or
12 attempted transfer from one person to another of a controlled substance,
13 whether or not there is an agency relationship.
- 14 (l) "Dispense" means to deliver a controlled substance to an ultimate
15 user or research subject by or pursuant to the lawful order of a practitioner,
16 including the packaging, labeling or compounding necessary to prepare the
17 substance for that delivery, or pursuant to the prescription of a mid-level
18 practitioner.
- 19 (m) "Dispenser" means a practitioner or pharmacist who dispenses, or
20 a physician assistant who has authority to dispense prescription-only drugs
21 in accordance with ~~subsection (b)~~ of K.S.A. 65-28a08(b), and amendments
22 thereto.
- 23 (n) "Distribute" means to deliver other than by administering or
24 dispensing a controlled substance.
- 25 (o) "Distributor" means a person who distributes.
- 26 (p) "Drug" means: (1) Substances recognized as drugs in the official
27 United States pharmacopoeia, official homeopathic pharmacopoeia of the
28 United States or official national formulary or any supplement to any of
29 them; (2) substances intended for use in the diagnosis, cure, mitigation,
30 treatment or prevention of disease in man or animals; (3) substances (other
31 than food) intended to affect the structure or any function of the body of
32 man or animals; and (4) substances intended for use as a component of any
33 article specified in ~~clause (1), (2) or (3) of this subsection~~ (p)(1), (2) or (3).
34 It does not include devices or their components, parts or accessories.
- 35 (q) "Immediate precursor" means a substance which the board has
36 found to be and by rule and regulation designates as being the principal
37 compound commonly used or produced primarily for use and which is an
38 immediate chemical intermediary used or likely to be used in the
39 manufacture of a controlled substance, the control of which is necessary to
40 prevent, curtail or limit manufacture.
- 41 (r) "Electronic prescription" means an electronically prepared
42 prescription that is authorized and transmitted from the prescriber to the
43 pharmacy by means of electronic transmission.

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

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

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

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

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

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

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

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

40 (1) By a practitioner or the practitioner's agent pursuant to a lawful
41 order of a practitioner as an incident to the practitioner's administering or
42 dispensing of a controlled substance in the course of the practitioner's
43 professional practice; or

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

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

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

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

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

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

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

34 (3) opium poppy and poppy straw;

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

40 (ee) "Opiate" means any substance having an addiction-forming or
41 addiction-sustaining liability similar to morphine or being capable of
42 conversion into a drug having addiction-forming or addiction-sustaining
43 liability. It does not include, unless specifically designated as controlled

- 1 under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer
2 of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does
3 include its racemic and levorotatory forms.
- 4 (ff) "Opium poppy" means the plant of the species *Papaver*
5 *somniferum* L. except its seeds.
- 6 (gg) "Person" means an individual, corporation, government, or
7 governmental subdivision or agency, business trust, estate, trust,
8 partnership or association or any other legal entity.
- 9 (hh) "Pharmacist" means any natural person licensed under K.S.A.
10 65-1625 et seq., to practice pharmacy.
- 11 (ii) "Pharmacist intern" means: (1) A student currently enrolled in an
12 accredited pharmacy program; (2) a graduate of an accredited pharmacy
13 program serving such person's internship; or (3) a graduate of a pharmacy
14 program located outside of the United States which is not accredited and
15 who had successfully passed equivalency examinations approved by the
16 board.
- 17 (jj) "Pharmacy prescription application" means software that is used
18 to process prescription information, is installed on a pharmacy's computers
19 and servers, and is controlled by the pharmacy.
- 20 (kk) "Poppy straw" means all parts, except the seeds, of the opium
21 poppy, after mowing.
- 22 (ll) "Practitioner" means a person licensed to practice medicine and
23 surgery, dentist, podiatrist, veterinarian, optometrist, *advanced practice*
24 *registered nurse who is licensed pursuant to K.S.A. 65-1131, and*
25 *amendments thereto, and who has authority to prescribe drugs in*
26 *accordance with K.S.A. 65-1130, and amendments thereto, or scientific*
27 *investigator or other person authorized by law to use a controlled*
28 *substance in teaching or chemical analysis or to conduct research with*
29 *respect to a controlled substance.*
- 30 (mm) "Prescriber" means a practitioner or a mid-level practitioner.
- 31 (m) "Production" includes the manufacture, planting, cultivation,
32 growing or harvesting of a controlled substance.
- 33 (oo) "Readily retrievable" means that records kept by automatic data
34 processing applications or other electronic or mechanized recordkeeping
35 systems can be separated out from all other records within a reasonable
36 time not to exceed 48 hours of a request from the board or other authorized
37 agent or that hard-copy records are kept on which certain items are
38 asterisked, redlined or in some other manner visually identifiable apart
39 from other items appearing on the records.
- 40 (pp) "Ultimate user" means a person who lawfully possesses a
41 controlled substance for such person's own use or for the use of a member
42 of such person's household or for administering to an animal owned by
43 such person or by a member of such person's household.

1 Sec. 18. K.S.A. 2014 Supp. 65-4116 is hereby amended to read as
2 follows: 65-4116. (a) Every person who manufactures, distributes or
3 dispenses any controlled substance within this state or who proposes to
4 engage in the manufacture, distribution or dispensing of any controlled
5 substance within this state shall obtain annually a registration issued by the
6 board in accordance with the uniform controlled substances act and with
7 rules and regulations adopted by the board.

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

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

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

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

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

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

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

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

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

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

37 (9) any person who is a member of the Native American Church, with
38 respect to use or possession of peyote, whose use or possession of peyote
39 is in, or for use in, bona fide religious ceremonies of the Native American
40 Church, but nothing in this paragraph shall authorize the use or possession
41 of peyote in any place used for the confinement or housing of persons
42 arrested, charged or convicted of criminal offenses or in the state security
43 hospital; *and*

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

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

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

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

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

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

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

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

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

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

24 Sec. 19. K.S.A. 65-4134 is hereby amended to read as follows: 65-
25 4134. A practitioner engaged in medical practice or research, *a*
26 *practitioner who is an advanced practice registered nurse acting in the*
27 *usual course of such practitioner's practice* or a mid-level practitioner
28 acting in the usual course of such mid-level practitioner's practice is not
29 required or compelled to furnish the name or identity of a patient or
30 research subject to the board, nor may such practitioner or mid-level
31 practitioner be compelled in any state or local civil, criminal,
32 administrative, legislative or other proceedings to furnish the name or
33 identity of an individual that the practitioner or mid-level practitioner is
34 obligated to keep confidential.

35 Sec. 20. K.S.A. 2014 Supp. 65-4202 is hereby amended to read as
36 follows: 65-4202. As used in this act: (a) "Board" means the state board of
37 nursing.

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

43 (1) Involve responsible nursing and therapeutic procedures for

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

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

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

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

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

25 Sec. 21. K.S.A. 2014 Supp. 65-5402 is hereby amended to read as
26 follows: 65-5402. As used in K.S.A. 65-5401 to 65-5417, inclusive, and
27 K.S.A. 65-5418 to 65-5420, inclusive, and amendments thereto:

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

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

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

- 1 (2) adaptation of tasks, process, or the environment or the teaching of
2 compensatory techniques in order to enhance performance;
- 3 (3) disability prevention methods and techniques that facilitate the
4 development or safe application of performance skills; and
- 5 (4) health promotion strategies and practices that enhance
6 performance abilities.
- 7 (c) "Occupational therapy services" include, but are not limited to:
- 8 (1) Evaluating, developing, improving, sustaining, or restoring skills
9 in activities of daily living (ADL), work or productive activities, including
10 instrumental activities of daily living (IADL) and play and leisure
11 activities;
- 12 (2) evaluating, developing, remediating, or restoring sensorimotor,
13 cognitive or psychosocial components of performance;
- 14 (3) designing, fabricating, applying, or training in the use of assistive
15 technology or orthotic devices and training in the use of prosthetic devices;
- 16 (4) adapting environments and processes, including the application of
17 ergonomic principles, to enhance performance and safety in daily life
18 roles;
- 19 (5) applying physical agent modalities as an adjunct to or in
20 preparation for engagement in occupations;
- 21 (6) evaluating and providing intervention in collaboration with the
22 client, family, caregiver or others;
- 23 (7) educating the client, family, caregiver or others in carrying out
24 appropriate nonskilled interventions; and
- 25 (8) consulting with groups, programs, organizations or communities
26 to provide population-based services.
- 27 (d) "Occupational therapist" means a person licensed to practice
28 occupational therapy as defined in this act.
- 29 (e) "Occupational therapy assistant" means a person licensed to assist
30 in the practice of occupational therapy under the supervision of an
31 occupational therapist.
- 32 (f) "Person" means any individual, partnership, unincorporated
33 organization or corporation.
- 34 (g) "Physician" means a person licensed to practice medicine and
35 surgery.
- 36 (h) "Occupational therapy aide," "occupational therapy tech" or
37 "occupational therapy paraprofessional" means a person who provides
38 supportive services to occupational therapists and occupational therapy
39 assistants in accordance with K.S.A. 65-5419, and amendments thereto.
- 40 Sec. 22. K.S.A. 2014 Supp. 65-5418 is hereby amended to read as
41 follows: 65-5418. (a) Nothing in the occupational therapy practice act is
42 intended to limit, preclude or otherwise interfere with the practices of
43 other health care providers formally trained and licensed, registered,

- 1 credentialed or certified by appropriate agencies of the state of Kansas.
- 2 (b) The practice of occupational therapy shall not be construed to
3 include the following:
- 4 (1) Persons rendering assistance in the case of an emergency;
- 5 (2) members of any church practicing their religious tenets;
- 6 (3) persons whose services are performed pursuant to the delegation
7 of and under the supervision of an occupational therapist who is licensed
8 under this act;
- 9 (4) any person employed as an occupational therapist or occupational
10 therapy assistant by the government of the United States or any agency
11 thereof, if such person practices occupational therapy solely under the
12 direction or control of the organization by which such person is employed;
- 13 (5) licensees under the healing arts act when licensed and practicing
14 in accordance with the provisions of law or persons performing services
15 pursuant to a delegation authorized under ~~subsection (g)~~ of K.S.A. 65-
16 2872(g), and amendments thereto;
- 17 (6) dentists practicing their professions, when licensed and practicing
18 in accordance with the provisions of law;
- 19 (7) nurses practicing their professions, when licensed and practicing
20 in accordance with the provisions of law or persons performing services
21 pursuant to the delegation of a licensed nurse under ~~subsection (m)~~ of
22 K.S.A. 65-1124(m), and amendments thereto;
- 23 (8) health care providers who have been formally trained and are
24 practicing in accordance with the training or have received specific
25 training in one or more functions included in the occupational therapy
26 practice act pursuant to established educational protocols, or both;
- 27 (9) any person pursuing a supervised course of study leading to a
28 degree or certificate in occupational therapy at an accredited or approved
29 educational program, if the person is designated by the title which clearly
30 indicates such person's status as a student or trainee;
- 31 (10) any person fulfilling the supervised fieldwork experience
32 requirements as part of the experience necessary to meet the requirement
33 of the occupational therapy practice act;
- 34 (11) self-care by a patient or gratuitous care by a friend or family
35 member who does not represent or hold oneself out to the public to be an
36 occupational therapist or an occupational therapy assistant;
- 37 (12) optometrists practicing their profession when licensed and
38 practicing in accordance with the provisions of article 15 of chapter 65 of
39 the Kansas Statutes Annotated, and amendments thereto;
- 40 (13) podiatrists practicing their profession when licensed and
41 practicing in accordance with the provisions of article 15 of chapter 65 of
42 the Kansas Statutes Annotated, and amendments thereto;
- 43 (14) physical therapists practicing their profession when licensed and

1 practicing in accordance with K.S.A. 65-2901 et seq., and amendments
2 thereto;

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

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

7 (17) manufacturers of prosthetic devices;

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

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

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

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

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

39 Sec. 23. K.S.A. 65-5502 is hereby amended to read as follows: 65-
40 5502. As used in K.S.A. 65-5501 to 65-5517, inclusive and amendments
41 thereto:

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

43 (b) "Respiratory therapy" is a health care profession whose therapists

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

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

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

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

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

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

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

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

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

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

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

43 Sec. 24. K.S.A. 2013 Supp. 65-6112, as amended by section 51 of

1 chapter 131 of the 2014 Session Laws of Kansas, is hereby amended to
2 read as 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 supervising 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) "Supervising physician" means supervising 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. 25. K.S.A. 2014 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. 26. K.S.A. 2014 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. 27. K.S.A. 2014 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) multilumen 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. 28. K.S.A. 2014 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. 29. K.S.A. 2013 Supp. 65-6124, as amended by section 52 of
38 chapter 131 of the 2014 Session Laws of Kansas, is hereby amended to
39 read as follows: 65-6124. (a) No physician, physician assistant, advanced
40 practice registered nurse or licensed professional nurse, who gives
41 emergency instructions to an attendant as defined by K.S.A. 65-6112, and
42 amendments thereto, during an emergency, shall be liable for any civil
43 damages as a result of issuing the instructions, except such damages which

1 may result from gross negligence in giving such instructions.

2 (b) No attendant as defined by K.S.A. 65-6112, and amendments
3 thereto, who renders emergency care during an emergency pursuant to
4 instructions given by a physician, *an advanced practice registered nurse*,
5 the supervising physician for a physician assistant, ~~advanced practice~~
6 ~~registered nurse~~ or licensed professional nurse shall be liable for civil
7 damages as a result of implementing such instructions, except such
8 damages which may result from gross negligence or by willful or wanton
9 acts or omissions on the part of such attendant as defined by K.S.A. 65-
10 6112, and amendments thereto.

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

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

21 Sec. 30. K.S.A. 2014 Supp. 65-6144 is hereby amended to read as
22 follows: 65-6144. (a) A first responder may perform any of the following
23 activities:

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

27 (2) cardiopulmonary resuscitation and airway management;

28 (3) control of bleeding;

29 (4) extremity splinting excluding traction splinting;

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

32 (6) oxygen therapy;

33 (7) use of oropharyngeal airways;

34 (8) use of bag valve masks;

35 (9) use automated external defibrillators; and

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

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

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

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

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

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

32 Sec. 31. K.S.A. 2014 Supp. 65-7003 is hereby amended to read as
33 follows: 65-7003. As used in K.S.A. 65-7001 through 65-7015, and
34 amendments thereto:

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

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

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

43 (c) "agent or representative" means a person who is authorized to

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

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

1 state; and

2 (p) "secretary" means the secretary of health and environment.

3 Sec. 32. K.S.A. 2014 Supp. 65-7302 is hereby amended to read as
4 follows: 65-7302. As used in this act:

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

6 (b) "Ionizing radiation" means x-rays, gamma rays, alpha and beta
7 particles, high speed electrons, protons, neutrons and other nuclear
8 particles capable of producing ions directly or indirectly in its passage
9 through matter.

10 (c) "License" means a certificate issued by the board authorizing the
11 licensee to perform radiologic technology procedures on humans for
12 diagnostic or therapeutic purposes.

13 (d) "Licensed practitioner" means a person licensed to practice
14 medicine and surgery, dentistry, podiatry—~~or~~, chiropractic *or advanced*
15 *practice registered nursing* in this state.

16 (e) "Licensure" and "licensing" mean a method of regulation by
17 which the state grants permission to persons who meet predetermined
18 qualifications to engage in a health related occupation or profession.

19 (f) "Nuclear medicine technologist" means a person who uses radio
20 pharmaceutical agents on humans for diagnostic or therapeutic purposes.

21 (g) "Nuclear medicine technology" means the use of radio nuclides on
22 human beings for diagnostic or therapeutic purposes.

23 (h) "Radiation therapist" means a person who applies radiation to
24 humans for therapeutic purposes.

25 (i) "Radiation therapy" means the use of any radiation procedure or
26 article intended for the cure, mitigation or prevention of disease in
27 humans.

28 (j) "Radiographer" means a person who applies radiation to humans
29 for diagnostic purposes.

30 (k) "Radiography" means the use of ionizing radiation on human
31 beings for diagnostic purposes.

32 (l) "Radiologic technologist" means any person who is a
33 radiographer, radiation therapist or nuclear medicine technologist.

34 (m) "Radiologic technology" means the use of radioactive substance
35 or equipment emitting or detecting ionizing radiation on humans for
36 diagnostic or therapeutic purposes upon prescription of a licensed
37 practitioner. The term includes the practice of radiography, nuclear
38 medicine technology and radiation therapy, but does not include
39 echocardiography, diagnostic sonography and magnetic resonance
40 imaging.

41 (n) This section shall take effect on and after July 1, 2005.

42 Sec. 33. K.S.A. 2014 Supp. 72-5213 is hereby amended to read as
43 follows: 72-5213. (a) Every board of education shall require all employees

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

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

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

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

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

10 Sec. 34. K.S.A. 2014 Supp. 75-7429 is hereby amended to read as
11 follows: 75-7429. (a) As used in this section, "medical home" means a
12 health care delivery model in which a patient establishes an ongoing
13 relationship with a physician or other personal care provider in a
14 physician-directed team, *or with an advanced practice registered nurse* to
15 provide comprehensive, accessible and continuous evidence-based primary
16 and preventive care, and to coordinate the patient's health care needs
17 across the health care system in order to improve quality and health
18 outcomes in a cost effective manner.

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

21 (1) The Kansas program of medical assistance established in
22 accordance with title XIX of the federal social security act, 42 U.S.C. §
23 1396 et seq., and amendments thereto;

24 (2) the health benefits program for children established under K.S.A.
25 38-2001 et seq., and amendments thereto, and developed and submitted in
26 accordance with federal guidelines established under title XXI of the
27 federal social security act, section 4901 of public law 105-33, 42 U.S.C. §
28 1397aa et seq., and amendments thereto; and

29 (3) the state mediKan program.

30 (c) The Kansas state employees health care commission established
31 under K.S.A. 75-6502, and amendments thereto, shall incorporate the use
32 of a medical home delivery system within the state health care benefits
33 program as provided in K.S.A. 75-6501 through 75-6523, and amendments
34 thereto. Except that compliance with a medical home delivery system shall
35 not be required of program participants receiving treatment in accordance
36 with a religious method of healing pursuant to the provisions of K.S.A.
37 2014 Supp. 75-6501, and amendments thereto.

38 Sec. 35. K.S.A. 40-4602, 59-2976, 65-1660, 65-2892, 65-4134 and
39 65-5502 and K.S.A. 2013 Supp. 65-1626, as amended by section 4 of
40 chapter 131 of the 2014 Session Laws of Kansas, 65-4101, as amended by
41 section 50 of chapter 131 of the 2014 Session Laws of Kansas, 65-6112, as
42 amended by section 51 of chapter 131 of the 2014 Session Laws of Kansas
43 and 65-6124, as amended by section 52 of chapter 131 of the 2014 Session

1 Laws of Kansas and K.S.A. 2014 Supp. 39-923, 39-1401, 39-1430, 39-
2 1504, 65-468, 65-507, 65-1113, 65-1130, 65-1682, 65-2837a, 65-2921, 65-
3 4116, 65-4202, 65-5402, 65-5418, 65-6119, 65-6120, 65-6121, 65-6123,
4 65-6144, 65-7003, 65-7302, 72-5213 and 75-7429 are hereby repealed.
5 Sec. 36. This act shall take effect and be in force from and after July
6 1, 2016, and its publication in the statute book.

HOUSE BILL No. 2122

By Committee on Health and Human Services

1-23

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 and
3 K.S.A. 2013 Supp. 65-1626, as amended by section 4 of chapter 131 of
4 the 2014 Session Laws of Kansas, 65-4101, as amended by section 50
5 of chapter 131 of the 2014 Session Laws of Kansas, 65-6112, as
6 amended by section 51 of chapter 131 of the 2014 Session Laws of
7 Kansas and 65-6124, as amended by section 52 of chapter 131 of the
8 2014 Session Laws of Kansas and K.S.A. 2014 Supp. 39-923, 39-1401,
9 39-1430, 39-1504, 65-468, 65-507, 65-1113, 65-1130, 65-1682, 65-
10 2837a, 65-2921, 65-4116, 65-4202, 65-5402, 65-5418, 65-6119, 65-
11 6120, 65-6121, 65-6123, 65-6144, 65-7003, 65-7302, 72-5213 and 75-
12 7429 and repealing the existing sections.

13

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

15 Section 1. K.S.A. 2014 Supp. 65-1113 is hereby amended to read as
16 follows: 65-1113. When used in this act and the act of which this section is
17 amendatory:

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

19 (b) "Diagnosis" in the context of nursing practice means that
20 identification of and discrimination between physical and psychosocial
21 signs and symptoms essential to effective execution and management of
22 the nursing regimen and shall be construed as distinct from a medical
23 diagnosis.

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

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

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

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

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

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

23 Sec. 2. K.S.A. 2014 Supp. 65-1130 is hereby amended to read as
24 follows: 65-1130. (a) No professional nurse shall announce or represent to
25 the public that such person is an advanced practice registered nurse unless
26 such professional nurse has complied with requirements established by the
27 board and holds a valid license as an advanced practice registered nurse in
28 accordance with the provisions of this section.

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

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

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

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

4 (2) Establish education and qualifications necessary for licensure for
5 each ~~role~~ of advanced practice registered nurse *role* established by the
6 board at a level adequate to assure the competent performance by
7 advanced practice registered nurses of functions and procedures which
8 advanced practice registered nurses are authorized to perform. Advanced
9 practice registered nursing is based on knowledge and skills acquired in
10 basic nursing education, licensure as a registered nurse and graduation
11 from or completion of a master's or higher degree in one of the advanced
12 practice registered nurse roles approved by the board of nursing.

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

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

43 (f) *The practice of nursing as an advanced practice registered nurse*

1 means the performance for compensation or gratuitously, except as
2 permitted by K.S.A. 65-1124, and amendments thereto, of the process in
3 which advanced knowledge derived from the biological, physical and
4 behavioral sciences is applied to direct and indirect care, including, but
5 not limited to, creating and executing a health care plan; nursing and
6 medical diagnosis, management, treatment and prescribing; administering
7 pharmacologic and non-pharmacologic interventions; counseling and
8 health teaching of persons who are experiencing changes in the normal
9 health processes or who require assistance in the maintenance of health;
10 or the prevention or management of illness, injury or infirmity;
11 administration, supervising or teaching within the advanced practice
12 registered nurse's role. Within the role of the advanced practice registered
13 nurse, an advanced practice registered nurse may serve as a primary care
14 provider and lead health care teams.

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

1 provisions of this subsection. ~~For the purposes of this subsection,~~
2 ~~"responsible physician" means a person licensed to practice medicine and~~
3 ~~surgery in Kansas who has accepted responsibility for the protocol and the~~
4 ~~actions of the advanced practice registered nurse when prescribing drugs.~~

5 ~~(e) (h) An advanced practice registered nurse is accountable to~~
6 ~~patients, the nursing profession and the board for complying with the~~
7 ~~requirements of the nurse practice act, and any rules and regulations~~
8 ~~adopted pursuant thereto, and is responsible for recognizing limits of~~
9 ~~knowledge and experience, planning for the management of situations~~
10 ~~beyond the advanced practice registered nurse's expertise and referring~~
11 ~~patients to other health care professionals as appropriate.~~

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

17 ~~(2) Advanced practice registered nurses who are subject to the~~
18 ~~program of transition to full practice shall not prescribe medications~~
19 ~~except as provided in this subsection.~~

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

30 ~~(4) As part of the program of transition to full practice, the board~~
31 ~~shall specify the manner and form in which the advanced practice~~
32 ~~registered nurse participating in the program may identify oneself~~
33 ~~professionally and to the public.~~

34 ~~(5) The advanced practice registered nurse shall be responsible for~~
35 ~~completing the required documentation for the program of transition to~~
36 ~~full practice as specified by the board.~~

37 ~~(6) Upon the successful completion of the program of transition to~~
38 ~~full practice, the board of nursing shall authorize the advanced practice~~
39 ~~registered nurse to engage in the practice of advanced practice registered~~
40 ~~nursing without the limitations of this subsection and as otherwise~~
41 ~~authorized by law.~~

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

1 (8) *An advanced practice registered nurse functioning in the role of*
2 *registered nurse anesthetist shall be subject to the provisions of K.S.A. 65-*
3 *1151 to 65-1164, inclusive, and amendments thereto, and shall not be*
4 *subject to the provisions of this subsection.*

5 (9) *As used in this subsection, "physician" means a person licensed to*
6 *practice medicine and surgery.*

7 (j) *When a provision of law or rule and regulation requires a*
8 *signature, certification, verification, affidavit or endorsement by a*
9 *physician, that requirement may be fulfilled by a licensed advanced*
10 *practice registered nurse working within the scope of practice of such*
11 *nurse's respective role.*

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

17 (l) *An advanced practice registered nurse shall maintain malpractice*
18 *insurance coverage in effect as a condition to rendering professional*
19 *service as an advanced practice registered nurse in this state and shall*
20 *provide proof of insurance at time of licensure and renewal of license. The*
21 *requirements of this subsection shall not apply to an advanced practice*
22 *registered nurse who practices solely in an employment which results in*
23 *the advanced practice registered nurse being covered under the federal*
24 *tort claim act or state tort claims act, or who practices solely as a*
25 *charitable health care provider under K.S.A. 75-6102, and amendments*
26 *thereto, or who is serving on active duty in the military service of the*
27 *United States.*

28 (m) *As used in this section, "drug" means those articles and*
29 *substances defined as drugs in K.S.A. 65-1626 and 65-4101, and*
30 *amendments thereto.*

31 ~~(f) A person registered to practice as an advanced registered nurse~~
32 ~~practitioner in the state of Kansas immediately prior to the effective date of~~
33 ~~this act shall be deemed to be licensed to practice as an advanced practice~~
34 ~~registered nurse under this act and such person shall not be required to file~~
35 ~~an original application for licensure under this act. Any application for~~
36 ~~registration filed which has not been granted prior to the effective date of~~
37 ~~this act shall be processed as an application for licensure under this act.~~

38 Sec. 3. K.S.A. 2014 Supp. 39-923 is hereby amended to read as
39 follows: 39-923. (a) As used in this act:

40 (1) "Adult care home" means any nursing facility, nursing facility for
41 mental health, intermediate care facility for people with intellectual
42 disability, assisted living facility, residential health care facility, home plus,
43 boarding care home and adult day care facility; all of which are

1 classifications of adult care homes and are required to be licensed by the
2 secretary for aging and disability services.

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

8 (3) "Nursing facility for mental health" means any place or facility
9 operating 24 hours a day, seven days a week, caring for six or more
10 individuals not related within the third degree of relationship to the
11 administrator or owner by blood or marriage and who, due to functional
12 impairments, need skilled nursing care and special mental health services
13 to compensate for activities of daily living limitations.

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

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

34 (6) "Residential health care facility" means any place or facility, or a
35 contiguous portion of a place or facility, caring for six or more individuals
36 not related within the third degree of relationship to the administrator,
37 operator or owner by blood or marriage and who, by choice or due to
38 functional impairments, may need personal care and may need supervised
39 nursing care to compensate for activities of daily living limitations and in
40 which the place or facility includes individual living units and provides or
41 coordinates personal care or supervised nursing care available on a 24-
42 hour, seven-days-a-week basis for the support of resident independence.
43 The provision of skilled nursing procedures to a resident in a residential

1 health care facility is not prohibited by this act. Generally, the skilled
2 services provided in a residential health care facility shall be provided on
3 an intermittent or limited term basis, or if limited in scope, a regular basis.

4 (7) "Home plus" means any residence or facility caring for not more
5 than 12 individuals not related within the third degree of relationship to the
6 operator or owner by blood or marriage unless the resident in need of care
7 is approved for placement by the secretary for children and families, and
8 who, due to functional impairment, needs personal care and may need
9 supervised nursing care to compensate for activities of daily living
10 limitations. The level of care provided to residents shall be determined by
11 preparation of the staff and rules and regulations developed by the Kansas
12 department for aging and disability services. An adult care home may
13 convert a portion of one wing of the facility to a not less than five-bed and
14 not more than 12-bed home plus facility provided that the home plus
15 facility remains separate from the adult care home, and each facility must
16 remain contiguous. Any home plus that provides care for more than eight
17 individuals after the effective date of this act shall adjust staffing personnel
18 and resources as necessary to meet residents' needs in order to maintain the
19 current level of nursing care standards. Personnel of any home plus who
20 provide services for residents with dementia shall be required to take
21 annual dementia care training.

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

28 (9) "Adult day care" means any place or facility operating less than
29 24 hours a day caring for individuals not related within the third degree of
30 relationship to the operator or owner by blood or marriage and who, due to
31 functional impairment, need supervision of or assistance with activities of
32 daily living.

33 (10) "Place or facility" means a building or any one or more complete
34 floors of a building, or any one or more complete wings of a building, or
35 any one or more complete wings and one or more complete floors of a
36 building, and the term "place or facility" may include multiple buildings.

37 (11) "Skilled nursing care" means services performed by or under the
38 immediate supervision of a registered professional nurse and additional
39 licensed nursing personnel. Skilled nursing includes administration of
40 medications and treatments as prescribed by a licensed physician,
41 *advanced practice registered nurse* or dentist; and other nursing functions
42 which require substantial nursing judgment and skill based on the
43 knowledge and application of scientific principles.

- 1 (12) "Supervised nursing care" means services provided by or under
2 the guidance of a licensed nurse with initial direction for nursing
3 procedures and periodic inspection of the actual act of accomplishing the
4 procedures; administration of medications and treatments as prescribed by
5 a licensed physician, *advanced practice registered nurse* or dentist and
6 assistance of residents with the performance of activities of daily living.
- 7 (13) "Resident" means all individuals kept, cared for, treated, boarded
8 or otherwise accommodated in any adult care home.
- 9 (14) "Person" means any individual, firm, partnership, corporation,
10 company, association or joint-stock association, and the legal successor
11 thereof.
- 12 (15) "Operate an adult care home" means to own, lease, establish,
13 maintain, conduct the affairs of or manage an adult care home, except that
14 for the purposes of this definition the word "own" and the word "lease"
15 shall not include hospital districts, cities and counties which hold title to
16 an adult care home purchased or constructed through the sale of bonds.
- 17 (16) "Licensing agency" means the secretary for aging and disability
18 services.
- 19 (17) "Skilled nursing home" means a nursing facility.
- 20 (18) "Intermediate nursing care home" means a nursing facility.
- 21 (19) "Apartment" means a private unit which includes, but is not
22 limited to, a toilet room with bathing facilities, a kitchen, sleeping, living
23 and storage area and a lockable door.
- 24 (20) "Individual living unit" means a private unit which includes, but
25 is not limited to, a toilet room with bathing facilities, sleeping, living and
26 storage area and a lockable door.
- 27 (21) "Operator" means an individual registered pursuant to the
28 operator registration act, K.S.A. 2014 Supp. 39-973 et seq., and
29 amendments thereto, who may be appointed by a licensee to have the
30 authority and responsibility to oversee an assisted living facility or
31 residential health care facility with fewer than 61 residents, a home plus or
32 adult day care facility.
- 33 (22) "Activities of daily living" means those personal, functional
34 activities required by an individual for continued well-being, including,
35 but not limited to, eating, nutrition, dressing, personal hygiene, mobility
36 and toileting.
- 37 (23) "Personal care" means care provided by staff to assist an
38 individual with, or to perform activities of daily living.
- 39 (24) "Functional impairment" means an individual has experienced a
40 decline in physical, mental and psychosocial well-being and as a result, is
41 unable to compensate for the effects of the decline.
- 42 (25) "Kitchen" means a food preparation area that includes a sink,
43 refrigerator and a microwave oven or stove.

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

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

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

15 (29) "Licensee" means any person or persons acting jointly or
16 severally who are licensed by the secretary for aging and disability
17 services pursuant to the adult care home licensure act, K.S.A. 39-923 et
18 seq., and amendments thereto.

19 (b) The term "adult care home" shall not include institutions operated
20 by federal or state governments, except institutions operated by the
21 director of the Kansas commission on veterans affairs office, hospitals or
22 institutions for the treatment and care of psychiatric patients, child care
23 facilities, maternity centers, hotels, offices of physicians or hospices which
24 are certified to participate in the medicare program under 42 code of
25 federal regulations, chapter IV, section 418.1 et seq., and amendments
26 thereto, and which provide services only to hospice patients.

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

31 (d) Facilities licensed under the adult care home licensure act on the
32 day immediately preceding the effective date of this act shall continue to
33 be licensed facilities until the annual renewal date of such license and may
34 renew such license in the appropriate licensure category under the adult
35 care home licensure act subject to the payment of fees and other conditions
36 and limitations of such act.

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

41 (f) The licensing agency may by rule and regulation change the name
42 of the different classes of homes when necessary to avoid confusion in
43 terminology and the agency may further amend, substitute, change and in a

1 manner consistent with the definitions established in this section, further
2 define and identify the specific acts and services which shall fall within the
3 respective categories of facilities so long as the above categories for adult
4 care homes are used as guidelines to define and identify the specific acts.

5 Sec. 4. K.S.A. 2014 Supp. 39-1401 is hereby amended to read as
6 follows: 39-1401. As used in this act:

7 (a) "Resident" means:

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

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

12 (3) any individual, kept, cared for, treated, boarded or otherwise
13 accommodated in a state psychiatric hospital or state institution for people
14 with intellectual disability.

15 (b) "Adult care home" has the meaning ascribed thereto in K.S.A. 39-
16 923, and amendments thereto.

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

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

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

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

38 (1) Infliction of physical or mental injury;

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

43 (3) unreasonable use of a physical restraint, isolation or medication

- 1 that harms or is likely to harm a resident;
- 2 (4) unreasonable use of a physical or chemical restraint, medication
3 or isolation as punishment, for convenience, in conflict with a physician's
4 *or advanced practice registered nurse's* orders or as a substitute for
5 treatment, except where such conduct or physical restraint is in furtherance
6 of the health and safety of the resident or another resident;
- 7 (5) a threat or menacing conduct directed toward a resident that
8 results or might reasonably be expected to result in fear or emotional or
9 mental distress to a resident;
- 10 (6) fiduciary abuse; or
- 11 (7) omission or deprivation by a caretaker or another person of goods
12 or services which are necessary to avoid physical or mental harm or
13 illness.
- 14 (g) "Neglect" means the failure or omission by one's self, caretaker or
15 another person with a duty to provide goods or services which are
16 reasonably necessary to ensure safety and well-being and to avoid physical
17 or mental harm or illness.
- 18 (h) "Caretaker" means a person or institution who has assumed the
19 responsibility, whether legally or not, for the care of the resident
20 voluntarily, by contract or by order of a court of competent jurisdiction.
- 21 (i) "Exploitation" means misappropriation of resident property or
22 intentionally taking unfair advantage of an adult's physical or financial
23 resources for another individual's personal or financial advantage by the
24 use of undue influence, coercion, harassment, duress, deception, false
25 representation or false pretense by a caretaker or another person.
- 26 (j) "Medical care facility" means a facility licensed under K.S.A. 65-
27 425 et seq., and amendments thereto, but shall not include, for purposes of
28 this act, a state psychiatric hospital or state institution for people with
29 intellectual disability, including Larned state hospital, Osawatomie state
30 hospital and Rainbow mental health facility, Kansas neurological institute
31 and Parsons state hospital and training center.
- 32 (k) "Fiduciary abuse" means a situation in which any person who is
33 the caretaker of, or who stands in a position of trust to, a resident, takes,
34 secretes, or appropriates the resident's money or property, to any use or
35 purpose not in the due and lawful execution of such person's trust.
- 36 (l) "State psychiatric hospital" means Larned state hospital,
37 Osawatomie state hospital and Rainbow mental health facility.
- 38 (m) "State institution for people with intellectual disability" means
39 Kansas neurological institute and Parsons state hospital and training
40 center.
- 41 (n) "Report" means a description or accounting of an incident or
42 incidents of abuse, neglect or exploitation under this act and for the
43 purposes of this act shall not include any written assessment or findings.

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

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

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

11 (r) "Governmental assistance provider" means an agency, or
12 employee of such agency, which is funded solely or in part to provide
13 assistance within the Kansas senior care act, K.S.A. 75-5926 et seq., and
14 amendments thereto, including medicaid and medicare.

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

20 Sec. 5. K.S.A. 2014 Supp. 39-1430 is hereby amended to read as
21 follows: 39-1430. As used in this act:

22 (a) "Adult" means an individual 18 years of age or older alleged to be
23 unable to protect their own interest and who is harmed or threatened with
24 harm, whether financial, mental or physical in nature, through action or
25 inaction by either another individual or through their own action or
26 inaction when: (1) Such person is residing in such person's own home, the
27 home of a family member or the home of a friend; (2) such person resides
28 in an adult family home as defined in K.S.A. 39-1501, and amendments
29 thereto; or (3) such person is receiving services through a provider of
30 community services and affiliates thereof operated or funded by the
31 Kansas department for children and families or the Kansas department for
32 aging and disability services or a residential facility licensed pursuant to
33 K.S.A. 75-3307b, and amendments thereto. Such term shall not include
34 persons to whom K.S.A. 39-1401 et seq., and amendments thereto, apply.

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

37 (1) Infliction of physical or mental injury;

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

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

- 1 (4) unreasonable use of a physical or chemical restraint, medication
2 or isolation as punishment, for convenience, in conflict with a physician's
3 *or advanced practice registered nurse's* orders or as a substitute for
4 treatment, except where such conduct or physical restraint is in furtherance
5 of the health and safety of the adult;
- 6 (5) a threat or menacing conduct directed toward an adult that results
7 or might reasonably be expected to result in fear or emotional or mental
8 distress to an adult;
- 9 (6) fiduciary abuse; or
- 10 (7) omission or deprivation by a caretaker or another person of goods
11 or services which are necessary to avoid physical or mental harm or
12 illness.
- 13 (c) "Neglect" means the failure or omission by one's self, caretaker or
14 another person with a duty to supply or provide goods or services which
15 are reasonably necessary to ensure safety and well-being and to avoid
16 physical or mental harm or illness.
- 17 (d) "Exploitation" means misappropriation of an adult's property or
18 intentionally taking unfair advantage of an adult's physical or financial
19 resources for another individual's personal or financial advantage by the
20 use of undue influence, coercion, harassment, duress, deception, false
21 representation or false pretense by a caretaker or another person.
- 22 (e) "Fiduciary abuse" means a situation in which any person who is
23 the caretaker of, or who stands in a position of trust to, an adult, takes,
24 secretes, or appropriates their money or property, to any use or purpose not
25 in the due and lawful execution of such person's trust or benefit.
- 26 (f) "In need of protective services" means that an adult is unable to
27 provide for or obtain services which are necessary to maintain physical or
28 mental health or both.
- 29 (g) "Services which are necessary to maintain physical or mental
30 health or both" include, but are not limited to, the provision of medical
31 care for physical and mental health needs, the relocation of an adult to a
32 facility or institution able to offer such care, assistance in personal
33 hygiene, food, clothing, adequately heated and ventilated shelter,
34 protection from health and safety hazards, protection from maltreatment
35 the result of which includes, but is not limited to, malnutrition, deprivation
36 of necessities or physical punishment and transportation necessary to
37 secure any of the above stated needs, except that this term shall not include
38 taking such person into custody without consent except as provided in this
39 act.
- 40 (h) "Protective services" means services provided by the state or other
41 governmental agency or by private organizations or individuals which are
42 necessary to prevent abuse, neglect or exploitation. Such protective
43 services shall include, but shall not be limited to, evaluation of the need for

1 services, assistance in obtaining appropriate social services, and assistance
2 in securing medical and legal services.

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

5 (j) "Secretary" means the secretary for the Kansas department for
6 children and families.

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

10 (l) "Law enforcement" means the public office which is vested by law
11 with the duty to maintain public order, make arrests for crimes, investigate
12 criminal acts and file criminal charges, whether that duty extends to all
13 crimes or is limited to specific crimes.

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

16 (n) "Legal representative," "financial institution" and "governmental
17 assistance provider" shall have the meanings ascribed thereto in K.S.A.
18 39-1401, and amendments thereto.

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

24 Sec. 6. K.S.A. 2014 Supp. 39-1504 is hereby amended to read as
25 follows: 39-1504. The secretary shall administer the adult family home
26 registration program in accordance with the following requirements:

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

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

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

33 (4) The home shall have adequate living and sleeping space for
34 clients.

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

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

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

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

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

43 (10) The kitchen shall be clean with appliances in good working

1 order.

2 (b) (1) A healthy and safe environment shall be maintained for
3 clients.

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

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

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

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

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

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

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

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

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

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

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

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

42 (8) The provider shall keep client information confidential. The use or
43 disclosure of any information concerning a client for any purpose is

1 prohibited except on written consent of the client or upon order of the
2 court.

3 (9) The provider shall maintain contact with an assigned social
4 worker and shall allow the secretary and authorized representatives of the
5 secretary access to the home and grounds and to the records related to
6 clients in residence.

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

9 (11) The provider is responsible for helping clients maintain their
10 clothing.

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

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

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

17 Sec. 7. K.S.A. 40-4602 is hereby amended to read as follows: 40-
18 4602. As used in this act:

19 (a) "Emergency medical condition" means the sudden and, at the
20 time, unexpected onset of a health condition that requires immediate
21 medical attention, where failure to provide medical attention would result
22 in serious impairment to bodily functions or serious dysfunction of a
23 bodily organ or part, or would place the person's health in serious
24 jeopardy.

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

29 (c) "Health benefit plan" means any hospital or medical expense
30 policy, health, hospital or medical service corporation contract, a plan
31 provided by a municipal group-funded pool, a policy or agreement entered
32 into by a health insurer or a health maintenance organization contract
33 offered by an employer or any certificate issued under any such policies,
34 contracts or plans. "Health benefit plan" does not include policies or
35 certificates covering only accident, credit, dental, disability income, long-
36 term care, hospital indemnity, medicare supplement, specified disease,
37 vision care, coverage issued as a supplement to liability insurance,
38 insurance arising out of a workers compensation or similar law,
39 automobile medical-payment insurance, or insurance under which benefits
40 are payable with or without regard to fault and which is statutorily
41 required to be contained in any liability insurance policy or equivalent
42 self-insurance.

43 (d) "Health insurer" means any insurance company, nonprofit medical

1 and hospital service corporation, municipal group-funded pool, fraternal
2 benefit society, health maintenance organization, or any other entity which
3 offers a health benefit plan subject to the Kansas Statutes Annotated.

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

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

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

13 (h) "Provider network" means those participating providers who have
14 entered into a contract or agreement with a health insurer to provide items
15 or health care services to individuals covered by a health benefit plan
16 offered by such health insurer.

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

19 Sec. 8. K.S.A. 59-2976 is hereby amended to read as follows: 59-
20 2976. (a) Medications and other treatments shall be prescribed, ordered
21 and administered only in conformity with accepted clinical practice.
22 Medication shall be administered only upon the written order of a
23 physician *or an advanced practice registered nurse* or upon a verbal order
24 noted in the patient's medical records and subsequently signed by the
25 physician *or an advanced practice registered nurse*. The attending
26 physician *or an advanced practice registered nurse* shall review regularly
27 the drug regimen of each patient under the physician's *or an advanced*
28 *practice registered nurse's* care and shall monitor any symptoms of
29 harmful side effects. Prescriptions for psychotropic medications shall be
30 written with a termination date not exceeding 30 days thereafter but may
31 be renewed.

32 (b) During the course of treatment the responsible physician, *an*
33 *advanced practice registered nurse* or psychologist or such person's
34 designee shall reasonably consult with the patient, the patient's legal
35 guardian, or a minor patient's parent and give consideration to the views
36 the patient, legal guardian or parent expresses concerning treatment and
37 any alternatives. No medication or other treatment may be administered to
38 any voluntary patient without the patient's consent, or the consent of such
39 patient's legal guardian or of such patient's parent if the patient is a minor.

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

43 (d) Whenever any patient is receiving treatment pursuant to K.S.A.

1 59-2954, 59-2958, 59-2959, 59-2964, 59-2966 or 59-2967, and
2 amendments thereto, and the treatment facility is administering to the
3 patient any medication or other treatment which alters the patient's mental
4 state in such a way as to adversely affect the patient's judgment or hamper
5 the patient in preparing for or participating in any hearing provided for by
6 this act, then two days prior to and during any such hearing, the treatment
7 facility may not administer such medication or other treatment unless such
8 medication or other treatment is necessary to sustain the patient's life or to
9 protect the patient or others. Prior to the hearing, a report of all such
10 medications or other treatment which have been administered to the
11 patient, along with a copy of any written consent(s) which the patient may
12 have signed, shall be submitted to the court. Counsel for the patient may
13 preliminarily examine the attending physician regarding the administration
14 of any medication to the patient within two days of the hearing with regard
15 to the affect that medication may have had upon the patient's judgment or
16 ability to prepare for or participate in the hearing. On the basis thereof, if
17 the court determines that medication or other treatment has been
18 administered which adversely affects the patient's judgment or ability to
19 prepare for or participate in the hearing, the court may grant to the patient
20 a reasonable continuance in order to allow for the patient to be better able
21 to prepare for or participate in the hearing and the court shall order that
22 such medication or other treatment be discontinued until the conclusion of
23 the hearing, unless the court finds that such medication or other treatment
24 is necessary to sustain the patient's life or to protect the patient or others,
25 in which case the court shall order that the hearing proceed.

26 (e) Whenever a patient receiving treatment pursuant to K.S.A. 59-
27 2954, 59-2958, 59-2959, 59-2964, 59-2966 or 59-2967, and amendments
28 thereto, objects to taking any medication prescribed for psychiatric
29 treatment, and after full explanation of the benefits and risks of such
30 medication continues their objection, the medication may be administered
31 over the patient's objection; except that the objection shall be recorded in
32 the patient's medical record and at the same time written notice thereof
33 shall be forwarded to the medical director of the treatment facility or the
34 director's designee. Within five days after receiving such notice, excluding
35 Saturdays, Sundays and legal holidays, the medical director or designee
36 shall deliver to the patient and the patient's physician the medical director's
37 or designee's written decision concerning the administration of that
38 medication, and a copy of that decision shall be placed in the patient's
39 medical record.

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

43 Sec. 9. K.S.A. 2014 Supp. 65-468 is hereby amended to read as

1 follows: 65-468. As used in K.S.A. 65-468 to 65-474, inclusive, and
2 amendments thereto:

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

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

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

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

20 (e) "Physician" means a person licensed to practice medicine and
21 surgery.

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

31 (g) "Critical access hospital" means a member of a rural health
32 network which makes available twenty-four hour emergency care services;
33 provides not more than 25 acute care inpatient beds or in the case of a
34 facility with an approved swing-bed agreement a combined total of
35 extended care and acute care beds that does not exceed 25 beds; provides
36 acute inpatient care for a period that does not exceed, on an annual average
37 basis, 96 hours per patient; and provides nursing services under the
38 direction of a licensed professional nurse and continuous licensed
39 professional nursing services for not less than 24 hours of every day when
40 any bed is occupied or the facility is open to provide services for patients
41 unless an exemption is granted by the licensing agency pursuant to rules
42 and regulations. The critical access hospital may provide any services
43 otherwise required to be provided by a full-time, on-site dietician,

1 pharmacist, laboratory technician, medical technologist and radiological
2 technologist on a part-time, off-site basis under written agreements or
3 arrangements with one or more providers or suppliers recognized under
4 medicare. The critical access hospital may provide inpatient services by a
5 physician assistant, ~~advanced practice registered nurse or a clinical nurse~~
6 ~~specialist~~ subject to the oversight of a physician who need not be present
7 in the facility *or by an advanced practice registered nurse*. In addition to
8 the facility's 25 acute beds or swing beds, or both, the critical access
9 hospital may have a psychiatric unit or a rehabilitation unit, or both. Each
10 unit shall not exceed 10 beds and neither unit will count toward the 25-bed
11 limit, nor will these units be subject to the average 96-hour length of stay
12 restriction.

13 ~~(g)~~ (h) "Hospital" means a hospital other than a critical access
14 hospital which has entered into a written agreement with at least one
15 critical access hospital to form a rural health network and to provide
16 medical or administrative supporting services within the limit of the
17 hospital's capabilities.

18 Sec. 10. K.S.A. 2014 Supp. 65-507 is hereby amended to read as
19 follows: 65-507. (a) Each maternity center licensee shall keep a record
20 upon forms prescribed and provided by the secretary of health and
21 environment and the secretary for children and families which shall
22 include the name of every patient, together with the patient's place of
23 residence during the year preceding admission to the center and the name
24 and address of the attending physician *or advanced practice registered*
25 *nurse in the classification of a nurse-midwife*. Each child care facility
26 licensee shall keep a record upon forms prescribed and provided by the
27 secretary of health and environment which shall include the name and age
28 of each child received and cared for in the facility; the name of the
29 physician who attended any sick children in the facility, together with the
30 names and addresses of the parents or guardians of such children; and such
31 other information as the secretary of health and environment or secretary
32 for children and families may require. Each maternity center licensee and
33 each child care facility licensee shall apply to and shall receive without
34 charge from the secretary of health and environment and the secretary for
35 children and families forms for such records as may be required, which
36 forms shall contain a copy of this act.

37 (b) Information obtained under this section shall be confidential and
38 shall not be made public in a manner which would identify individuals.

39 Sec. 11. K.S.A. 2013 Supp. 65-1626, as amended by section 4 of
40 chapter 131 of the 2014 Session Laws of Kansas, is hereby amended to
41 read as follows: 65-1626. For the purposes of this act:

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

1 or research subject by:

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

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

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

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

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

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

28 (e) "Board" means the state board of pharmacy created by K.S.A. 74-
29 1603, and amendments thereto.

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

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

35 (h) "Chain pharmacy warehouse" means a permanent physical
36 location for drugs or devices, or both, that acts as a central warehouse and
37 performs intracompany sales or transfers of prescription drugs or devices
38 to chain pharmacies that have the same ownership or control. Chain
39 pharmacy warehouses must be registered as wholesale distributors.

40 (i) "Co-licensee" means a pharmaceutical manufacturer that has
41 entered into an agreement with another pharmaceutical manufacturer to
42 engage in a business activity or occupation related to the manufacture or
43 distribution of a prescription drug and the national drug code on the drug

1 product label shall be used to determine the identity of the drug
2 manufacturer.

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

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

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

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

16 (n) "Dispenser" means a practitioner or pharmacist who dispenses
17 prescription medication, or a physician assistant who has authority to
18 dispense prescription-only drugs in accordance with ~~subsection (b) of~~
19 K.S.A. 65-28a08(b), and amendments thereto.

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

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

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

37 (r) "Drug" means: (1) Articles recognized in the official United States
38 pharmacopoeia, or other such official compendiums of the United States,
39 or official national formulary, or any supplement of any of them; (2)
40 articles intended for use in the diagnosis, cure, mitigation, treatment or
41 prevention of disease in man or other animals; (3) articles, other than food,
42 intended to affect the structure or any function of the body of man or other
43 animals; and (4) articles intended for use as a component of any articles

1 specified in clause (1), (2) or (3) of this subsection; but does not include
2 devices or their components, parts or accessories, except that the term
3 "drug" shall not include amygdalin (laetrile) or any livestock remedy, if
4 such livestock remedy had been registered in accordance with the
5 provisions of article 5 of chapter 47 of the Kansas Statutes Annotated,
6 prior to its repeal.

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

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

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

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

31 (w) "Electronic transmission" means the transmission of an electronic
32 prescription, formatted as an electronic data file, from a prescriber's
33 electronic prescription application to a pharmacy's computer, where the
34 data file is imported into the pharmacy prescription application.

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

37 (y) "Exclusive distributor" means any entity that: (1) Contracts with a
38 manufacturer to provide or coordinate warehousing, wholesale distribution
39 or other services on behalf of a manufacturer and who takes title to that
40 manufacturer's prescription drug, but who does not have general
41 responsibility to direct the sale or disposition of the manufacturer's
42 prescription drug; (2) is registered as a wholesale distributor under the
43 pharmacy act of the state of Kansas; and (3) to be considered part of the

1 normal distribution channel, must be an authorized distributor of record.

2 (z) "Facsimile transmission" or "fax transmission" means the
3 transmission of a digital image of a prescription from the prescriber or the
4 prescriber's agent to the pharmacy. "Facsimile transmission" includes, but
5 is not limited to, transmission of a written prescription between the
6 prescriber's fax machine and the pharmacy's fax machine; transmission of
7 an electronically prepared prescription from the prescriber's electronic
8 prescription application to the pharmacy's fax machine, computer or
9 printer; or transmission of an electronically prepared prescription from the
10 prescriber's fax machine to the pharmacy's fax machine, computer or
11 printer.

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

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

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

19 (B) residents of a juvenile detention facility, as defined by the revised
20 Kansas code for care of children and the revised Kansas juvenile justice
21 code;

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

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

26 (E) persons receiving inpatient hospice services.

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

28 (A) Any registered pharmacy;

29 (B) any office of a practitioner; or

30 (C) a location where no prescription-only drugs are dispensed and no
31 prescription-only drugs other than individual prescriptions are stored or
32 administered.

33 (cc) "Intermediary" means any technology system that receives and
34 transmits an electronic prescription between the prescriber and the
35 pharmacy.

36 (dd) "Intracompany transaction" means any transaction or transfer
37 between any division, subsidiary, parent or affiliated or related company
38 under common ownership or control of a corporate entity, or any
39 transaction or transfer between co-licensees of a co-licensed product.

40 (ee) "Medical care facility" shall have the meaning provided in
41 K.S.A. 65-425, and amendments thereto, except that the term shall also
42 include facilities licensed under the provisions of K.S.A. 75-3307b, and
43 amendments thereto, except community mental health centers and

1 facilities for people with intellectual disability.

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

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

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

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

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

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

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

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

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

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

1 to a patient; or

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

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

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

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

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

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

37 (oo) "Pharmacy prescription application" means software that is used
38 to process prescription information, is installed on a pharmacy's computers
39 or servers, and is controlled by the pharmacy.

40 (pp) "Pharmacy technician" means an individual who, under the
41 direct supervision and control of a pharmacist, may perform packaging,
42 manipulative, repetitive or other nondiscretionary tasks related to the
43 processing of a prescription or medication order and who assists the

1 pharmacist in the performance of pharmacy related duties, but who does
2 not perform duties restricted to a pharmacist.

3 (qq) "Practitioner" means a person licensed to practice medicine and
4 surgery, dentist, podiatrist, veterinarian, optometrist, *advanced practice*
5 *registered nurse who is licensed pursuant to K.S.A. 65-1131, and*
6 *amendments thereto, and who has authority to prescribe drugs in*
7 *accordance with K.S.A. 65-1130, and amendments thereto, a registered*
8 *nurse anesthetist registered pursuant to K.S.A. 65-1154, and amendments*
9 *thereto, or scientific investigator or other person authorized by law to use a*
10 *prescription-only drug in teaching or chemical analysis or to conduct*
11 *research with respect to a prescription-only drug.*

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

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

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

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

27 (vv) "Prescription-only drug" means any drug whether intended for
28 use by man or animal, required by federal or state law, including 21 U.S.C.
29 § 353, to be dispensed only pursuant to a written or oral prescription or
30 order of a practitioner or is restricted to use by practitioners only.

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

38 (xx) "Professional incompetency" means:

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

42 (2) repeated instances involving failure to adhere to the applicable
43 standard of pharmaceutical care to a degree which constitutes ordinary

1 negligence, as determined by the board; or

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

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

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

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

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

26 (ccc) "Unprofessional conduct" means:

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

28 (2) intentional adulteration or mislabeling of any drug, medicine,
29 chemical or poison;

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

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

33 (5) unlawful possession of drugs and unlawful diversion of drugs to
34 others;

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

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

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

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

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

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

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

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

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

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

35 (1) The sale, purchase or trade of a prescription drug or device, an
36 offer to sell, purchase or trade a prescription drug or device or the
37 dispensing of a prescription drug or device pursuant to a prescription;

38 (2) the sale, purchase or trade of a prescription drug or device or an
39 offer to sell, purchase or trade a prescription drug or device for emergency
40 medical reasons;

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

43 (4) 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 among
2 hospitals, chain pharmacy warehouses, pharmacies or other health care
3 entities that are under common control;

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

9 (6) the purchase or other acquisition by a hospital or other similar
10 health care entity that is a member of a group purchasing organization of a
11 prescription drug or device for its own use from the group purchasing
12 organization or from other hospitals or similar health care entities that are
13 members of these organizations;

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

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

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

22 (10) the sale, transfer, merger or consolidation of all or part of the
23 business of a retail pharmacy or pharmacies from or with another retail
24 pharmacy or pharmacies, whether accomplished as a purchase and sale of
25 stock or business assets, in accordance with the board's rules and
26 regulations;

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

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

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

36 Sec. 12. K.S.A. 65-1660 is hereby amended to read as follows: 65-
37 1660. (a) Except as otherwise provided in this section, the provisions of
38 the pharmacy act of the state of Kansas shall not apply to dialysates,
39 devices or drugs which are designated by the board for the purposes of this
40 section relating to treatment of a person with chronic kidney failure
41 receiving dialysis and which are prescribed or ordered by a physician, *an*
42 *advanced practice registered nurse* or a mid-level practitioner for
43 administration or delivery to a person with chronic kidney failure if:

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

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

10 (b) The wholesale distributor pursuant to subsection (a) shall be
11 supervised by a pharmacist consultant pursuant to rules and regulations
12 adopted by the board.

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

15 (d) As used in this section, "physician" means a person licensed to
16 practice medicine and surgery; "mid-level practitioner" means mid-level
17 practitioner as such term is defined ~~in subsection (ii) of~~ by K.S.A. 65-
18 1626, and amendments thereto; *"advanced practice registered nurse"*
19 *means an advanced practice registered nurse who is licensed pursuant to*
20 *K.S.A. 65-1131, and amendments thereto, and who has authority to*
21 *prescribe drugs in accordance with K.S.A. 65-1130, and amendments*
22 *thereto.*

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

25 Sec. 13. K.S.A. 2014 Supp. 65-1682 is hereby amended to read as
26 follows: 65-1682. As used in this act, unless the context otherwise
27 requires:

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

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

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

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

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

38 (4) a veterinarian licensed by the Kansas board of veterinary
39 examiners who dispenses or prescribes a scheduled substance or drug of
40 concern; or

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

43 (c) "Drug of concern" means any drug that demonstrates a potential

1 for abuse and is designated as a drug of concern in rules and regulations
2 promulgated by the board.

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

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

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

13 (g) "Scheduled substance" means controlled substances included in
14 schedules II, III or IV of the schedules designated in K.S.A. 65-4107, 65-
15 4109 and 65-4111, and amendments thereto, respectively, or the federal
16 controlled substances act (21 U.S.C. § 812).

17 Sec. 14. K.S.A. 2014 Supp. 65-2837a is hereby amended to read as
18 follows: 65-2837a. (a) It shall be unlawful for any person licensed to
19 practice medicine and surgery to prescribe, order, dispense, administer,
20 sell, supply or give *or for any person licensed as an advanced practice*
21 *registered nurse* or for a mid-level practitioner as defined ~~in subsection (ii)~~
22 ~~of~~ by K.S.A. 65-1626, and amendments thereto, to prescribe, administer,
23 supply or give any amphetamine or sympathomimetic amine designated in
24 schedule II, III or IV under the uniform controlled substances act, except
25 as provided in this section. Failure to comply with this section by a
26 licensee shall constitute unprofessional conduct under K.S.A. 65-2837,
27 and amendments thereto.

28 (b) When any licensee prescribes, orders, dispenses, administers,
29 sells, supplies or gives or when *any advanced practice registered nurse or*
30 *any mid-level practitioner as defined in subsection (ii) of* by K.S.A. 65-
31 1626, and amendments thereto, prescribes, administers, sells, supplies or
32 gives any amphetamine or sympathomimetic amine designated in schedule
33 II, III or IV under the uniform controlled substances act, the patient's
34 medical record shall adequately document the purpose for which the drug
35 is being given. Such purpose shall be restricted to one or more of the
36 following:

- 37 (1) The treatment of narcolepsy.
38 (2) The treatment of drug-induced brain dysfunction.
39 (3) The treatment of hyperkinesis.
40 (4) The differential diagnostic psychiatric evaluation of depression.
41 (5) The treatment of depression shown by adequate medical records
42 and documentation to be unresponsive to other forms of treatment.
43 (6) The clinical investigation of the effects of such drugs or

1 compounds, in which case, before the investigation is begun, the licensee
2 shall, in addition to other requirements of applicable laws, apply for and
3 obtain approval of the investigation from the board of healing arts.

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

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

17 Sec. 15. K.S.A. 65-2892 is hereby amended to read as follows: 65-
18 2892. Any physician *or advanced practice registered nurse*, upon
19 consultation by any person under ~~eighteen (18)~~ 18 years of age as a
20 patient, may, with the consent of such person who is hereby granted the
21 right of giving such consent, make a diagnostic examination for venereal
22 disease and prescribe for and treat such person for venereal disease
23 including prophylactic treatment for exposure to venereal disease
24 whenever such person is suspected of having a venereal disease or contact
25 with anyone having a venereal disease. All such examinations and
26 treatment may be performed without the consent of, or notification to, the
27 parent, parents, guardian or any other person having custody of such
28 person. Any physician *or advanced practice registered nurse* examining or
29 treating such person for venereal disease may, but shall not be obligated to,
30 in accord with his opinion of what will be most beneficial for such person,
31 inform the spouse, parent, custodian, guardian or fiance of such person as
32 to the treatment given or needed without the consent of such person. Such
33 informing shall not constitute libel or slander or a violation of the right of
34 privacy or privilege or otherwise subject the physician *or advanced*
35 *practice registered nurse* to any liability whatsoever. In any such case, the
36 physician *or advanced practice registered nurse* shall incur no civil or
37 criminal liability by reason of having made such diagnostic examination or
38 rendered such treatment, but such immunity shall not apply to any
39 negligent acts or omissions. The physician *or advanced practice registered*
40 *nurse* shall incur no civil or criminal liability by reason of any adverse
41 reaction to medication administered, provided reasonable care has been
42 taken to elicit from such person under ~~eighteen (18)~~ 18 years of age any
43 history of sensitivity or previous adverse reaction to the medication.

1 Sec. 16. K.S.A. 2014 Supp. 65-2921 is hereby amended to read as
2 follows: 65-2921. (a) Except as otherwise provided in subsection (d), a
3 physical therapist may evaluate and initiate physical therapy treatment on
4 a patient without referral from a licensed health care practitioner. If
5 treating a patient without a referral from a licensed health care practitioner
6 and the patient is not progressing toward documented treatment goals as
7 demonstrated by objective, measurable or functional improvement, or any
8 combination thereof, after 10 patient visits or in a period of 15 business
9 days from the initial treatment visits following the initial evaluation visit,
10 the physical therapist shall obtain a referral from an appropriate licensed
11 health care practitioner prior to continuing treatment.

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

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

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

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

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

31 (g) As used in this section, "licensed health care practitioner" means a
32 person licensed to practice medicine and surgery, a licensed podiatrist, a
33 licensed physician assistant ~~or a licensed advanced practice registered~~
34 ~~nurse~~ working pursuant to the order or direction of a person licensed to
35 practice medicine and surgery, a licensed chiropractor, a licensed dentist
36 ~~or~~, a licensed optometrist *or a licensed advanced practice registered nurse*
37 in appropriately related cases.

38 Sec. 17. K.S.A. 2013 Supp. 65-4101, as amended by section 50 of
39 chapter 131 of the 2014 Session Laws of Kansas, is hereby amended to
40 read as follows: 65-4101. As used in this act: (a) "Administer" means the
41 direct application of a controlled substance, whether by injection,
42 inhalation, ingestion or any other means, to the body of a patient or
43 research subject by:

- 1 (1) A practitioner or pursuant to the lawful direction of a practitioner;
2 or
- 3 (2) the patient or research subject at the direction and in the presence
4 of the practitioner.
- 5 (b) "Agent" means an authorized person who acts on behalf of or at
6 the direction of a manufacturer, distributor or dispenser. It does not include
7 a common carrier, public warehouseman or employee of the carrier or
8 warehouseman.
- 9 (c) "Application service provider" means an entity that sells
10 electronic prescription or pharmacy prescription applications as a hosted
11 service where the entity controls access to the application and maintains
12 the software and records on its server.
- 13 (d) "Board" means the state board of pharmacy.
- 14 (e) "Bureau" means the bureau of narcotics and dangerous drugs,
15 United States department of justice, or its successor agency.
- 16 (f) "Controlled substance" means any drug, substance or immediate
17 precursor included in any of the schedules designated in K.S.A. 65-4105,
18 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.
- 19 (g) (1) "Controlled substance analog" means a substance that is
20 intended for human consumption, and:
- 21 (A) The chemical structure of which is substantially similar to the
22 chemical structure of a controlled substance listed in or added to the
23 schedules designated in K.S.A. 65-4105 or 65-4107, and amendments
24 thereto;
- 25 (B) which has a stimulant, depressant or hallucinogenic effect on the
26 central nervous system substantially similar to the stimulant, depressant or
27 hallucinogenic effect on the central nervous system of a controlled
28 substance included in the schedules designated in K.S.A. 65-4105 or 65-
29 4107, and amendments thereto; or
- 30 (C) with respect to a particular individual, which such individual
31 represents or intends to have a stimulant, depressant or hallucinogenic
32 effect on the central nervous system substantially similar to the stimulant,
33 depressant or hallucinogenic effect on the central nervous system of a
34 controlled substance included in the schedules designated in K.S.A. 65-
35 4105 or 65-4107, and amendments thereto.
- 36 (2) "Controlled substance analog" does not include:
- 37 (A) A controlled substance;
- 38 (B) a substance for which there is an approved new drug application;
39 or
- 40 (C) a substance with respect to which an exemption is in effect for
41 investigational use by a particular person under section 505 of the federal
42 food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with
43 respect to the substance is permitted by the exemption.

- 1 (h) "Counterfeit substance" means a controlled substance which, or
2 the container or labeling of which, without authorization bears the
3 trademark, trade name or other identifying mark, imprint, number or
4 device or any likeness thereof of a manufacturer, distributor or dispenser
5 other than the person who in fact manufactured, distributed or dispensed
6 the substance.
- 7 (i) "Cultivate" means the planting or promotion of growth of five or
8 more plants which contain or can produce controlled substances.
- 9 (j) "DEA" means the U.S. department of justice, drug enforcement
10 administration.
- 11 (k) "Deliver" or "delivery" means the actual, constructive or
12 attempted transfer from one person to another of a controlled substance,
13 whether or not there is an agency relationship.
- 14 (l) "Dispense" means to deliver a controlled substance to an ultimate
15 user or research subject by or pursuant to the lawful order of a practitioner,
16 including the packaging, labeling or compounding necessary to prepare the
17 substance for that delivery, or pursuant to the prescription of a mid-level
18 practitioner.
- 19 (m) "Dispenser" means a practitioner or pharmacist who dispenses, or
20 a physician assistant who has authority to dispense prescription-only drugs
21 in accordance with ~~subsection (b)~~ of K.S.A. 65-28a08(b), and amendments
22 thereto.
- 23 (n) "Distribute" means to deliver other than by administering or
24 dispensing a controlled substance.
- 25 (o) "Distributor" means a person who distributes.
- 26 (p) "Drug" means: (1) Substances recognized as drugs in the official
27 United States pharmacopoeia, official homeopathic pharmacopoeia of the
28 United States or official national formulary or any supplement to any of
29 them; (2) substances intended for use in the diagnosis, cure, mitigation,
30 treatment or prevention of disease in man or animals; (3) substances (other
31 than food) intended to affect the structure or any function of the body of
32 man or animals; and (4) substances intended for use as a component of any
33 article specified in ~~clause (1), (2) or (3) of this subsection~~ (p)(1), (2) or (3).
34 It does not include devices or their components, parts or accessories.
- 35 (q) "Immediate precursor" means a substance which the board has
36 found to be and by rule and regulation designates as being the principal
37 compound commonly used or produced primarily for use and which is an
38 immediate chemical intermediary used or likely to be used in the
39 manufacture of a controlled substance, the control of which is necessary to
40 prevent, curtail or limit manufacture.
- 41 (r) "Electronic prescription" means an electronically prepared
42 prescription that is authorized and transmitted from the prescriber to the
43 pharmacy by means of electronic transmission.

- 1 (s) "Electronic prescription application" means software that is used
2 to create electronic prescriptions and that is intended to be installed on the
3 prescriber's computers and servers where access and records are controlled
4 by the prescriber.
- 5 (t) "Electronic signature" means a confidential personalized digital
6 key, code, number or other method for secure electronic data transmissions
7 which identifies a particular person as the source of the message,
8 authenticates the signatory of the message and indicates the person's
9 approval of the information contained in the transmission.
- 10 (u) "Electronic transmission" means the transmission of an electronic
11 prescription, formatted as an electronic data file, from a prescriber's
12 electronic prescription application to a pharmacy's computer, where the
13 data file is imported into the pharmacy prescription application.
- 14 (v) "Electronically prepared prescription" means a prescription that is
15 generated using an electronic prescription application.
- 16 (w) "Facsimile transmission" or "fax transmission" means the
17 transmission of a digital image of a prescription from the prescriber or the
18 prescriber's agent to the pharmacy. "Facsimile transmission" includes, but
19 is not limited to, transmission of a written prescription between the
20 prescriber's fax machine and the pharmacy's fax machine; transmission of
21 an electronically prepared prescription from the prescriber's electronic
22 prescription application to the pharmacy's fax machine, computer or
23 printer; or transmission of an electronically prepared prescription from the
24 prescriber's fax machine to the pharmacy's fax machine, computer or
25 printer.
- 26 (x) "Intermediary" means any technology system that receives and
27 transmits an electronic prescription between the prescriber and the
28 pharmacy.
- 29 (y) "Isomer" means all enantiomers and diastereomers.
- 30 (z) "Manufacture" means the production, preparation, propagation,
31 compounding, conversion or processing of a controlled substance either
32 directly or indirectly or by extraction from substances of natural origin or
33 independently by means of chemical synthesis or by a combination of
34 extraction and chemical synthesis and includes any packaging or
35 repackaging of the substance or labeling or relabeling of its container,
36 except that this term does not include the preparation or compounding of a
37 controlled substance by an individual for the individual's own lawful use
38 or the preparation, compounding, packaging or labeling of a controlled
39 substance:
- 40 (1) By a practitioner or the practitioner's agent pursuant to a lawful
41 order of a practitioner as an incident to the practitioner's administering or
42 dispensing of a controlled substance in the course of the practitioner's
43 professional practice; or

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

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

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

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

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

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

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

34 (3) opium poppy and poppy straw;

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

40 (ee) "Opiate" means any substance having an addiction-forming or
41 addiction-sustaining liability similar to morphine or being capable of
42 conversion into a drug having addiction-forming or addiction-sustaining
43 liability. It does not include, unless specifically designated as controlled

- 1 under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer
2 of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does
3 include its racemic and levorotatory forms.
- 4 (ff) "Opium poppy" means the plant of the species *Papaver*
5 *somniferum* L. except its seeds.
- 6 (gg) "Person" means an individual, corporation, government, or
7 governmental subdivision or agency, business trust, estate, trust,
8 partnership or association or any other legal entity.
- 9 (hh) "Pharmacist" means any natural person licensed under K.S.A.
10 65-1625 et seq., to practice pharmacy.
- 11 (ii) "Pharmacist intern" means: (1) A student currently enrolled in an
12 accredited pharmacy program; (2) a graduate of an accredited pharmacy
13 program serving such person's internship; or (3) a graduate of a pharmacy
14 program located outside of the United States which is not accredited and
15 who had successfully passed equivalency examinations approved by the
16 board.
- 17 (jj) "Pharmacy prescription application" means software that is used
18 to process prescription information, is installed on a pharmacy's computers
19 and servers, and is controlled by the pharmacy.
- 20 (kk) "Poppy straw" means all parts, except the seeds, of the opium
21 poppy, after mowing.
- 22 (ll) "Practitioner" means a person licensed to practice medicine and
23 surgery, dentist, podiatrist, veterinarian, optometrist, *advanced practice*
24 *registered nurse who is licensed pursuant to K.S.A. 65-1131, and*
25 *amendments thereto, and who has authority to prescribe drugs in*
26 *accordance with K.S.A. 65-1130, and amendments thereto, or scientific*
27 *investigator or other person authorized by law to use a controlled*
28 *substance in teaching or chemical analysis or to conduct research with*
29 *respect to a controlled substance.*
- 30 (mm) "Prescriber" means a practitioner or a mid-level practitioner.
- 31 (nn) "Production" includes the manufacture, planting, cultivation,
32 growing or harvesting of a controlled substance.
- 33 (oo) "Readily retrievable" means that records kept by automatic data
34 processing applications or other electronic or mechanized recordkeeping
35 systems can be separated out from all other records within a reasonable
36 time not to exceed 48 hours of a request from the board or other authorized
37 agent or that hard-copy records are kept on which certain items are
38 asterisked, redlined or in some other manner visually identifiable apart
39 from other items appearing on the records.
- 40 (pp) "Ultimate user" means a person who lawfully possesses a
41 controlled substance for such person's own use or for the use of a member
42 of such person's household or for administering to an animal owned by
43 such person or by a member of such person's household.

1 Sec. 18. K.S.A. 2014 Supp. 65-4116 is hereby amended to read as
2 follows: 65-4116. (a) Every person who manufactures, distributes or
3 dispenses any controlled substance within this state or who proposes to
4 engage in the manufacture, distribution or dispensing of any controlled
5 substance within this state shall obtain annually a registration issued by the
6 board in accordance with the uniform controlled substances act and with
7 rules and regulations adopted by the board.

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

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

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

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

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

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

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

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

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

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

37 (9) any person who is a member of the Native American Church, with
38 respect to use or possession of peyote, whose use or possession of peyote
39 is in, or for use in, bona fide religious ceremonies of the Native American
40 Church, but nothing in this paragraph shall authorize the use or possession
41 of peyote in any place used for the confinement or housing of persons
42 arrested, charged or convicted of criminal offenses or in the state security
43 hospital; *and*

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

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

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

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

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

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

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

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

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

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

24 Sec. 19. K.S.A. 65-4134 is hereby amended to read as follows: 65-
25 4134. A practitioner engaged in medical practice or research, *a*
26 *practitioner who is an advanced practice registered nurse acting in the*
27 *usual course of such practitioner's practice* or a mid-level practitioner
28 acting in the usual course of such mid-level practitioner's practice is not
29 required or compelled to furnish the name or identity of a patient or
30 research subject to the board, nor may such practitioner or mid-level
31 practitioner be compelled in any state or local civil, criminal,
32 administrative, legislative or other proceedings to furnish the name or
33 identity of an individual that the practitioner or mid-level practitioner is
34 obligated to keep confidential.

35 Sec. 20. K.S.A. 2014 Supp. 65-4202 is hereby amended to read as
36 follows: 65-4202. As used in this act: (a) "Board" means the state board of
37 nursing.

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

43 (1) Involve responsible nursing and therapeutic procedures for

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

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

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

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

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

25 Sec. 21. K.S.A. 2014 Supp. 65-5402 is hereby amended to read as
26 follows: 65-5402. As used in K.S.A. 65-5401 to 65-5417, inclusive, and
27 K.S.A. 65-5418 to 65-5420, inclusive, and amendments thereto:

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

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

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

- 1 (2) adaptation of tasks, process, or the environment or the teaching of
2 compensatory techniques in order to enhance performance;
- 3 (3) disability prevention methods and techniques that facilitate the
4 development or safe application of performance skills; and
- 5 (4) health promotion strategies and practices that enhance
6 performance abilities.
- 7 (c) "Occupational therapy services" include, but are not limited to:
- 8 (1) Evaluating, developing, improving, sustaining, or restoring skills
9 in activities of daily living (ADL), work or productive activities, including
10 instrumental activities of daily living (IADL) and play and leisure
11 activities;
- 12 (2) evaluating, developing, remediating, or restoring sensorimotor,
13 cognitive or psychosocial components of performance;
- 14 (3) designing, fabricating, applying, or training in the use of assistive
15 technology or orthotic devices and training in the use of prosthetic devices;
- 16 (4) adapting environments and processes, including the application of
17 ergonomic principles, to enhance performance and safety in daily life
18 roles;
- 19 (5) applying physical agent modalities as an adjunct to or in
20 preparation for engagement in occupations;
- 21 (6) evaluating and providing intervention in collaboration with the
22 client, family, caregiver or others;
- 23 (7) educating the client, family, caregiver or others in carrying out
24 appropriate nonskilled interventions; and
- 25 (8) consulting with groups, programs, organizations or communities
26 to provide population-based services.
- 27 (d) "Occupational therapist" means a person licensed to practice
28 occupational therapy as defined in this act.
- 29 (e) "Occupational therapy assistant" means a person licensed to assist
30 in the practice of occupational therapy under the supervision of an
31 occupational therapist.
- 32 (f) "Person" means any individual, partnership, unincorporated
33 organization or corporation.
- 34 (g) "Physician" means a person licensed to practice medicine and
35 surgery.
- 36 (h) "Occupational therapy aide," "occupational therapy tech" or
37 "occupational therapy paraprofessional" means a person who provides
38 supportive services to occupational therapists and occupational therapy
39 assistants in accordance with K.S.A. 65-5419, and amendments thereto.
- 40 Sec. 22. K.S.A. 2014 Supp. 65-5418 is hereby amended to read as
41 follows: 65-5418. (a) Nothing in the occupational therapy practice act is
42 intended to limit, preclude or otherwise interfere with the practices of
43 other health care providers formally trained and licensed, registered,

- 1 credentialed or certified by appropriate agencies of the state of Kansas.
- 2 (b) The practice of occupational therapy shall not be construed to
3 include the following:
- 4 (1) Persons rendering assistance in the case of an emergency;
- 5 (2) members of any church practicing their religious tenets;
- 6 (3) persons whose services are performed pursuant to the delegation
7 of and under the supervision of an occupational therapist who is licensed
8 under this act;
- 9 (4) any person employed as an occupational therapist or occupational
10 therapy assistant by the government of the United States or any agency
11 thereof, if such person practices occupational therapy solely under the
12 direction or control of the organization by which such person is employed;
- 13 (5) licensees under the healing arts act when licensed and practicing
14 in accordance with the provisions of law or persons performing services
15 pursuant to a delegation authorized under ~~subsection (g)~~ of K.S.A. 65-
16 2872(g), and amendments thereto;
- 17 (6) dentists practicing their professions, when licensed and practicing
18 in accordance with the provisions of law;
- 19 (7) nurses practicing their professions, when licensed and practicing
20 in accordance with the provisions of law or persons performing services
21 pursuant to the delegation of a licensed nurse under ~~subsection (n)~~ of
22 K.S.A. 65-1124(m), and amendments thereto;
- 23 (8) health care providers who have been formally trained and are
24 practicing in accordance with the training or have received specific
25 training in one or more functions included in the occupational therapy
26 practice act pursuant to established educational protocols, or both;
- 27 (9) any person pursuing a supervised course of study leading to a
28 degree or certificate in occupational therapy at an accredited or approved
29 educational program, if the person is designated by the title which clearly
30 indicates such person's status as a student or trainee;
- 31 (10) any person fulfilling the supervised fieldwork experience
32 requirements as part of the experience necessary to meet the requirement
33 of the occupational therapy practice act;
- 34 (11) self-care by a patient or gratuitous care by a friend or family
35 member who does not represent or hold oneself out to the public to be an
36 occupational therapist or an occupational therapy assistant;
- 37 (12) optometrists practicing their profession when licensed and
38 practicing in accordance with the provisions of article 15 of chapter 65 of
39 the Kansas Statutes Annotated, and amendments thereto;
- 40 (13) podiatrists practicing their profession when licensed and
41 practicing in accordance with the provisions of article 15 of chapter 65 of
42 the Kansas Statutes Annotated, and amendments thereto;
- 43 (14) physical therapists practicing their profession when licensed and

1 practicing in accordance with K.S.A. 65-2901 et seq., and amendments
2 thereto;

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

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

7 (17) manufacturers of prosthetic devices;

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

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

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

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

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

39 Sec. 23. K.S.A. 65-5502 is hereby amended to read as follows: 65-
40 5502. As used in K.S.A. 65-5501 to 65-5517, inclusive and amendments
41 thereto:

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

43 (b) "Respiratory therapy" is a health care profession whose therapists

- 1 practice under the supervision of a qualified medical director and with the
2 prescription of a licensed physician *or an advanced practice registered*
3 *nurse* providing therapy, management, rehabilitation, respiratory
4 assessment and care of patients with deficiencies and abnormalities which
5 affect the pulmonary system and associated other systems functions. The
6 duties which may be performed by a respiratory therapist include:
- 7 (1) Direct and indirect respiratory therapy services that are safe,
8 aseptic, preventative and restorative to the patient.
- 9 (2) Direct and indirect respiratory therapy services, including but not
10 limited to, the administration of pharmacological and diagnostic and
11 therapeutic agents related to respiratory therapy procedures to implement a
12 treatment, disease prevention or pulmonary rehabilitative regimen
13 prescribed by a physician *or an advanced practice registered nurse*.
- 14 (3) Administration of medical gases, exclusive of general anesthesia,
15 aerosols, humidification and environmental control systems.
- 16 (4) Transcription and implementation of written or verbal orders of a
17 physician *or an advanced practice registered nurse* pertaining to the
18 practice of respiratory therapy.
- 19 (5) Implementation of respiratory therapy protocols as defined by the
20 medical staff of an institution or a qualified medical director or other
21 written protocol, changes in treatment pursuant to the written or verbal
22 orders of a physician *or an advanced practice registered nurse* or the
23 initiation of emergency procedures as authorized by written protocols.
- 24 (c) "Respiratory therapist" means a person who is licensed to practice
25 respiratory therapy as defined in this act.
- 26 (d) "Person" means any individual, partnership, unincorporated
27 organization or corporation.
- 28 (e) "Physician" means a person who is licensed by the board to
29 practice medicine and surgery.
- 30 (f) "Qualified medical director" means the medical director of any
31 inpatient or outpatient respiratory therapy service, department or home
32 care agency. The medical director shall be a physician who has interest and
33 knowledge in the diagnosis and treatment of respiratory problems. This
34 physician shall be responsible for the quality, safety and appropriateness of
35 the respiratory services provided and require that respiratory therapy be
36 ordered by a physician *or an advanced practice registered nurse* who has
37 medical responsibility for the patient. The medical director shall be readily
38 accessible to the respiratory therapy practitioner.
- 39 (g) "*Advanced practice registered nurse*" means an advanced
40 *practice registered nurse* who is licensed pursuant to K.S.A. 65-1131, and
41 *amendments thereto*, and who has authority to prescribe drugs in
42 *accordance with K.S.A. 65-1130, and amendments thereto*.
- 43 Sec. 24. K.S.A. 2013 Supp. 65-6112, as amended by section 51 of

1 chapter 131 of the 2014 Session Laws of Kansas, is hereby amended to
2 read as 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 supervising 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) "Supervising physician" means supervising 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. 25. K.S.A. 2014 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. 26. K.S.A. 2014 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. 27. K.S.A. 2014 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) multilumen 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. 28. K.S.A. 2014 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. 29. K.S.A. 2013 Supp. 65-6124, as amended by section 52 of
38 chapter 131 of the 2014 Session Laws of Kansas, is hereby amended to
39 read as follows: 65-6124. (a) No physician, physician assistant, advanced
40 practice registered nurse or licensed professional nurse, who gives
41 emergency instructions to an attendant as defined by K.S.A. 65-6112, and
42 amendments thereto, during an emergency, shall be liable for any civil
43 damages as a result of issuing the instructions, except such damages which

1 may result from gross negligence in giving such instructions.

2 (b) No attendant as defined by K.S.A. 65-6112, and amendments
3 thereto, who renders emergency care during an emergency pursuant to
4 instructions given by a physician, *an advanced practice registered nurse*,
5 the supervising physician for a physician assistant, ~~advanced practice~~
6 ~~registered nurse~~ or licensed professional nurse shall be liable for civil
7 damages as a result of implementing such instructions, except such
8 damages which may result from gross negligence or by willful or wanton
9 acts or omissions on the part of such attendant as defined by K.S.A. 65-
10 6112, and amendments thereto.

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

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

21 Sec. 30. K.S.A. 2014 Supp. 65-6144 is hereby amended to read as
22 follows: 65-6144. (a) A first responder may perform any of the following
23 activities:

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

27 (2) cardiopulmonary resuscitation and airway management;

28 (3) control of bleeding;

29 (4) extremity splinting excluding traction splinting;

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

32 (6) oxygen therapy;

33 (7) use of oropharyngeal airways;

34 (8) use of bag valve masks;

35 (9) use automated external defibrillators; and

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

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

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

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

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

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

32 Sec. 31. K.S.A. 2014 Supp. 65-7003 is hereby amended to read as
33 follows: 65-7003. As used in K.S.A. 65-7001 through 65-7015, and
34 amendments thereto:

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

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

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

43 (c) "agent or representative" means a person who is authorized to

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

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

1 state; and

2 (p) "secretary" means the secretary of health and environment.

3 Sec. 32. K.S.A. 2014 Supp. 65-7302 is hereby amended to read as
4 follows: 65-7302. As used in this act:

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

6 (b) "Ionizing radiation" means x-rays, gamma rays, alpha and beta
7 particles, high speed electrons, protons, neutrons and other nuclear
8 particles capable of producing ions directly or indirectly in its passage
9 through matter.

10 (c) "License" means a certificate issued by the board authorizing the
11 licensee to perform radiologic technology procedures on humans for
12 diagnostic or therapeutic purposes.

13 (d) "Licensed practitioner" means a person licensed to practice
14 medicine and surgery, dentistry, podiatry~~or~~, chiropractic *or advanced*
15 *practice registered nursing* in this state.

16 (e) "Licensure" and "licensing" mean a method of regulation by
17 which the state grants permission to persons who meet predetermined
18 qualifications to engage in a health related occupation or profession.

19 (f) "Nuclear medicine technologist" means a person who uses radio
20 pharmaceutical agents on humans for diagnostic or therapeutic purposes.

21 (g) "Nuclear medicine technology" means the use of radio nuclides on
22 human beings for diagnostic or therapeutic purposes.

23 (h) "Radiation therapist" means a person who applies radiation to
24 humans for therapeutic purposes.

25 (i) "Radiation therapy" means the use of any radiation procedure or
26 article intended for the cure, mitigation or prevention of disease in
27 humans.

28 (j) "Radiographer" means a person who applies radiation to humans
29 for diagnostic purposes.

30 (k) "Radiography" means the use of ionizing radiation on human
31 beings for diagnostic purposes.

32 (l) "Radiologic technologist" means any person who is a
33 radiographer, radiation therapist or nuclear medicine technologist.

34 (m) "Radiologic technology" means the use of radioactive substance
35 or equipment emitting or detecting ionizing radiation on humans for
36 diagnostic or therapeutic purposes upon prescription of a licensed
37 practitioner. The term includes the practice of radiography, nuclear
38 medicine technology and radiation therapy, but does not include
39 echocardiography, diagnostic sonography and magnetic resonance
40 imaging.

41 (n) This section shall take effect on and after July 1, 2005.

42 Sec. 33. K.S.A. 2014 Supp. 72-5213 is hereby amended to read as
43 follows: 72-5213. (a) Every board of education shall require all employees

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

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

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

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

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

10 Sec. 34. K.S.A. 2014 Supp. 75-7429 is hereby amended to read as
11 follows: 75-7429. (a) As used in this section, "medical home" means a
12 health care delivery model in which a patient establishes an ongoing
13 relationship with a physician or other personal care provider in a
14 physician-directed team, *or with an advanced practice registered nurse* to
15 provide comprehensive, accessible and continuous evidence-based primary
16 and preventive care, and to coordinate the patient's health care needs
17 across the health care system in order to improve quality and health
18 outcomes in a cost effective manner.

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

21 (1) The Kansas program of medical assistance established in
22 accordance with title XIX of the federal social security act, 42 U.S.C. §
23 1396 et seq., and amendments thereto;

24 (2) the health benefits program for children established under K.S.A.
25 38-2001 et seq., and amendments thereto, and developed and submitted in
26 accordance with federal guidelines established under title XXI of the
27 federal social security act, section 4901 of public law 105-33, 42 U.S.C. §
28 1397aa et seq., and amendments thereto; and

29 (3) the state mediKan program.

30 (c) The Kansas state employees health care commission established
31 under K.S.A. 75-6502, and amendments thereto, shall incorporate the use
32 of a medical home delivery system within the state health care benefits
33 program as provided in K.S.A. 75-6501 through 75-6523, and amendments
34 thereto. Except that compliance with a medical home delivery system shall
35 not be required of program participants receiving treatment in accordance
36 with a religious method of healing pursuant to the provisions of K.S.A.
37 2014 Supp. 75-6501, and amendments thereto.

38 Sec. 35. K.S.A. 40-4602, 59-2976, 65-1660, 65-2892, 65-4134 and
39 65-5502 and K.S.A. 2013 Supp. 65-1626, as amended by section 4 of
40 chapter 131 of the 2014 Session Laws of Kansas, 65-4101, as amended by
41 section 50 of chapter 131 of the 2014 Session Laws of Kansas, 65-6112, as
42 amended by section 51 of chapter 131 of the 2014 Session Laws of Kansas
43 and 65-6124, as amended by section 52 of chapter 131 of the 2014 Session

1 Laws of Kansas and K.S.A. 2014 Supp. 39-923, 39-1401, 39-1430, 39-
2 1504, 65-468, 65-507, 65-1113, 65-1130, 65-1682, 65-2837a, 65-2921, 65-
3 4116, 65-4202, 65-5402, 65-5418, 65-6119, 65-6120, 65-6121, 65-6123,
4 65-6144, 65-7003, 65-7302, 72-5213 and 75-7429 are hereby repealed.
5 Sec. 36. This act shall take effect and be in force from and after July
6 1, 2016, and its publication in the statute book.

HOUSE BILL No. 2280

By Committee on Health and Human Services

2-10

1 AN ACT concerning the board of nursing; relating to the certified nurse-
2 midwives; amending K.S.A. 2014 Supp. 65-1130 and repealing the
3 existing section.
4

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

6 Section 1. K.S.A. 2014 Supp. 65-1130 is hereby amended to read as
7 follows: 65-1130. (a) No professional nurse shall announce or represent to
8 the public that such person is an advanced practice registered nurse unless
9 such professional nurse has complied with requirements established by the
10 board and holds a valid license as an advanced practice registered nurse in
11 accordance with the provisions of this section.

12 (b) The board shall establish standards and requirements for any
13 professional nurse who desires to obtain licensure as an advanced practice
14 registered nurse. Such standards and requirements shall include, but not be
15 limited to, standards and requirements relating to the education of
16 advanced practice registered nurses. The board may give such
17 examinations and secure such assistance as it deems necessary to
18 determine the qualifications of applicants.

19 (c) The board shall adopt rules and regulations applicable to advanced
20 practice registered nurses which:

21 (1) Establish roles and identify titles and abbreviations of advanced
22 practice registered nurses which are consistent with nursing practice
23 specialties recognized by the nursing profession.

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

33 (3) Define the role of advanced practice registered nurses and
34 establish limitations and restrictions on such role. The board shall adopt a
35 definition of the role under this subsection (c)(3) which is consistent with
36 the education and qualifications required to obtain a license as an

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

16 (d) An advanced practice registered nurse may prescribe drugs
17 pursuant to a written protocol as authorized by a responsible physician.
18 Each written protocol shall contain a precise and detailed medical plan of
19 care for each classification of disease or injury for which the advanced
20 practice registered nurse is authorized to prescribe and shall specify all
21 drugs which may be prescribed by the advanced practice registered nurse.
22 Any written prescription order shall include the name, address and
23 telephone number of the responsible physician. The advanced practice
24 registered nurse may not dispense drugs, but may request, receive and sign
25 for professional samples and may distribute professional samples to
26 patients pursuant to a written protocol as authorized by a responsible
27 physician. In order to prescribe controlled substances, the advanced
28 practice registered nurse shall: (1) Register with the federal drug
29 enforcement administration; and (2) notify the board of the name and
30 address of the responsible physician or physicians. In no case shall the
31 scope of authority of the advanced practice registered nurse exceed the
32 normal and customary practice of the responsible physician.

33 (e) An advanced practice registered nurse certified in the role of
34 registered nurse anesthetist while functioning as a registered nurse
35 anesthetist under K.S.A. 65-1151 ~~to through 65-1164, inclusive;~~ and
36 amendments thereto, shall be subject to the provisions of K.S.A. 65-1151
37 ~~to through 65-1164, inclusive;~~ and amendments thereto, with respect to
38 drugs and anesthetic agents and shall not be subject to the provisions of
39 ~~this subsection (d).~~

40 (f) *An advanced practice registered nurse certified in the role of*
41 *certified nurse-midwife while functioning as a certified nurse-midwife*
42 *under sections 2 through 10, and amendments thereto, shall be subject to*
43 *the provisions of sections 2 through 10, and amendments thereto, with*

1 *respect to prescribing drugs and shall not be subject to the provisions of*
 2 *this section.*

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

6 ~~(h) For the purposes of this subsection~~ *As used in the section,*
 7 *"responsible physician" means a person licensed to practice medicine and*
 8 *surgery in Kansas who has accepted responsibility for the protocol and the*
 9 *actions of the advanced practice registered nurse when prescribing drugs.*

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

12 ~~(f)(i)~~ (i) A person registered to practice as an advanced registered nurse
 13 practitioner in the state of Kansas immediately prior to the effective date of
 14 this act shall be deemed to be licensed to practice as an advanced practice
 15 registered nurse under this act and such person shall not be required to file
 16 an original application for licensure under this act. Any application for
 17 registration filed which has not been granted prior to the effective date of
 18 this act shall be processed as an application for licensure under this act.

19 New Sec. 2. (a) As used in sections 2 through 10, and amendments
 20 thereto:

21 (1) "Active midwifery practice" means clinical practice and
 22 midwifery related administrative, educational and research activities.

23 (2) "Board" means the board of nursing.

24 (3) "Certified nurse-midwife" means an individual who meets the
 25 following requirements:

26 (A) Is educated in the two disciplines of nursing and midwifery;

27 (B) is currently certified by a certifying board approved by the state
 28 board of nursing; and

29 (C) is currently licensed under the Kansas nurse practice act.

30 (b) The board may adopt rules and regulations as necessary to
 31 administer the provisions of sections 2 through 10, and amendments
 32 thereto.

33 New Sec. 3. (a) In order to obtain authorization from the board to
 34 practice as a certified nurse-midwife an individual shall meet the following
 35 requirements:

36 (1) Be licensed to practice professional nursing under the Kansas
 37 nurse practice act;

38 (2) has successfully completed a course of study in nurse-midwifery
 39 in a school of nurse-midwifery approved by the board;

40 (3) has successfully completed a national certification approved by
 41 the board; and

42 (4) has successfully completed a refresher course as defined in rules
 43 and regulations of the board if the individual has not been in active

1 midwifery practice for five years preceding the application.

2 (b) Approval of schools of nurse-midwifery shall be based on
3 approval standards specified in K.S.A. 65-1133, and amendments thereto.

4 (c) For the purposes of determining whether an individual meets the
5 requirements of subsection (a)(2), the board, by rules and regulations, shall
6 establish criteria for determining whether a particular school of nurse-
7 midwifery maintains standards which are at least equal to schools of nurse-
8 midwifery which are approved by the board.

9 New Sec. 4. Upon application to the board by any licensed
10 professional nurse in this state and upon satisfaction of the standards and
11 requirements established under this act and K.S.A. 65-1130, and
12 amendments thereto, the board shall grant an authorization to the applicant
13 to perform the duties of a certified nurse-midwife and be licensed as an
14 advanced practice registered nurse. An application to the board for an
15 authorization, for an authorization with temporary authorization, for
16 biennial renewal of authorization, for reinstatement of authorization and
17 for reinstatement of authorization with temporary authorization shall be
18 upon such form and contain such information as the board may require and
19 shall be accompanied by a fee to assist in defraying the expenses in
20 connection with the administration of the provisions of this act. The fee
21 shall be fixed by rules and regulations adopted by the board in an amount
22 fixed by the board under K.S.A 65-1118, and amendments thereto. There
23 shall be no fee assessed for the initial, renewal or reinstatement of the
24 advanced practice registered nurse license as long as the certified nurse-
25 midwife maintains authorization. The executive administrator of the board
26 shall remit all moneys received to the state treasurer as provided by K.S.A.
27 74-1108, and amendments thereto.

28 New Sec. 5. (a) All authorizations to practice under this act, whether
29 initial or renewal, shall expire every two years. The biennial authorizations
30 to practice as a certified nurse-midwife shall expire at the same time as the
31 license to practice as a registered nurse. The board shall send a notice for
32 renewal of the authorization to practice to every certified nurse-midwife at
33 least 60 days prior to the expiration date of such person's authorization to
34 practice. To renew such authorization to practice the certified nurse-
35 midwife shall file with the board, before the date of expiration of such
36 authorization to practice, a renewal application together with the
37 prescribed biennial renewal fee. Upon satisfaction of the requirements of
38 section 7(a), and amendments thereto, the board shall grant the renewal of
39 an authorization to practice as a certified nurse-midwife to the applicant.

40 (b) Any person who fails to secure the renewal of an authorization to
41 practice prior to the expiration of the authorization may secure a
42 reinstatement of such lapsed authorization by making application on a
43 form provided by the board. Such reinstatement shall be granted upon

1 receipt of proof that the applicant is competent and qualified to act as a
2 certified nurse-midwife, has satisfied all of the requirements and has paid
3 the board a reinstatement fee as established by the board by rules and
4 regulations in accordance with K.S.A. 65-1118, and amendments thereto.

5 New Sec. 6. (a) Each certified nurse-midwife shall be authorized to:

6 (1) Provide a full range of primary health care services for women
7 from adolescence to menopause and beyond. These services include
8 primary care, gynecologic and family planning services, pre-conception
9 care, care during pregnancy, childbirth and the postpartum period, care of
10 the normal newborn and treatment of male partners for sexually
11 transmitted infections;

12 (2) provide initial and ongoing comprehensive assessment, diagnosis
13 and treatment;

14 (3) conduct physical examinations;

15 (4) prescribe, distribute and administer medications, devices and
16 contraceptive methods, and controlled substances in schedules II-V of the
17 uniform controlled substances act;

18 (5) admit, manage and discharge patients;

19 (6) utilize and order diagnostic services, including a clinical
20 laboratory, sonography, radiology and electronic monitoring;

21 (7) interpret laboratory and diagnostic tests;

22 (8) order the use of medical devices; and

23 (9) provide health promotion, disease prevention and individualized
24 wellness education and counseling.

25 (b) The surgical procedures performed by a certified nurse-midwife
26 shall be limited to the following: (1) Episiotomy; (2) repair of episiotomy
27 or laceration; and (3) circumcision. Any certified nurse-midwife who may
28 perform other surgical procedures if such certified nurse-midwife meets
29 the requirements of competencies of the American college of nurse-
30 midwife as approved by the board.

31 (c) Any certified nurse-midwife shall practice within a coordinated
32 system of health care system and have clinical relationships that provide
33 for consultation, collaborative management, co-management or referral, as
34 indicated by the health status of the patient.

35 (d) Any certified nurse-midwife shall have a written plan for
36 emergency referrals, with names and contact information of physicians,
37 hospitals and other medical personnel or facilities to be used in case of
38 emergency.

39 New Sec. 7. (a) The applicant for renewal of an authorization to
40 practice as a certified nurse-midwife shall:

41 (1) Have met the continuing education requirements for a certified
42 nurse-midwife as developed by the board or by a national organization
43 whose certifying standards are approved by the board as equal to or greater

1 than the corresponding standards established under this act;

2 (2) be currently licensed as a professional nurse; and

3 (3) have paid all applicable fees provided for in this act as fixed by
4 rules and regulations of the board.

5 (b) Continuing education credits approved by the board for purposes
6 of this section may be applied to satisfy the continuing education
7 requirements established by the board for licensed professional nurses
8 under K.S.A. 65-1117, and amendments thereto, if the board finds such
9 continuing education credits are equivalent to those required by the board
10 under K.S.A. 65-1117, and amendments thereto.

11 New Sec. 8. (a) Except as otherwise provided in sections 2 through
12 10, and amendments thereto, any licensed professional nurse or licensed
13 practical nurse who engages in nurse-midwifery without being authorized
14 by the board to practice as a certified nurse-midwife is guilty of a class A
15 misdemeanor.

16 (b) Any person, corporation, association or other entity, except as
17 otherwise provided in sections 2 through 10, and amendments thereto, who
18 engages in any of the following activities is guilty of a class B
19 misdemeanor except that upon conviction of a second or subsequent
20 violation of this subsection, the person is guilty of a class A misdemeanor:

21 (1) Employing or offering to employ any person as a certified nurse-
22 midwife with knowledge that such person is not authorized by the board to
23 practice as a certified nurse-midwife;

24 (2) fraudulently seeking, obtaining or furnishing documents
25 indicating that a person is authorized by the board to practice as a certified
26 nurse-midwife when such person is not so authorized, or aiding and
27 abetting such activities; or

28 (3) using in connection with one's name the title certified nurse-
29 midwife, the abbreviation NM or CNM, or any other designation tending
30 to imply that such person is authorized by the board to practice as a
31 certified nurse-midwife when such person is not authorized by the board to
32 practice as a certified nurse-midwife.

33 New Sec. 9. (a) The board, by rules and regulations, shall establish a
34 program of transition to full practice for all persons who, on and after the
35 effective date of this act, are granted initial licensure as an advanced
36 practice registered nurse in the classification of nurse- midwife, who have
37 less than 1,500 hours of licensed active practice as an advanced practice
38 registered nurse in their initial roles.

39 (b) As part of the program of transition to full practice, a certified
40 nurse-midwife shall complete, within two years from the commencement
41 of the program by the certified nurse- midwife, a transition to full practice
42 period of 1,500 hours of licensed active practice either with a certified
43 nurse-midwife or with a physician. The certified nurse-midwife shall

- 1 administer medications as needed for safety and therapeutic purposes.
- 2 (c) As part of the program of transition to full practice, the board shall
3 specify the manner and form in which the advanced practice registered
4 nurse in the classification of nurse-midwife participating in the program
5 may identify oneself professionally and to the public.
- 6 (d) The certified nurse-midwife shall be responsible for completing
7 the required documentation for the program of transition to full practice as
8 specified by the board. Upon the successful completion of the program of
9 transition to full practice, the board of nursing shall authorize the certified
10 nurse-midwife to engage in the practice of advanced practice registered
11 nursing without the limitations of this subsection and as otherwise
12 authorized by law.
- 13 (e) A person licensed to practice as a certified nurse-midwife in the
14 state immediately prior to the effective date of this act shall be deemed to
15 be licensed to practice as a certified nurse-midwife under this act and such
16 person shall not be required to file an original application for licensure
17 under this act. Any application for licensure filed which has not been
18 granted prior to the effective date of this act shall be processed as an
19 application for licensure under this act.
- 20 (f) All rules and regulations of the board in effect prior to the
21 effective date of this act which were adopted by the board and are
22 applicable to certified nurse-midwives shall continue to be effective until
23 revised, amended, revoked or nullified pursuant to law.
- 24 New Sec. 10. Sections 2 through 10, and amendments thereto, shall
25 be part of and supplemental to the Kansas nurse practice act.
- 26 Sec. 11. K.S.A. 2014 Supp. 65-1130 is hereby repealed.
- 27 Sec. 12. This act shall take effect and be in force from and after its
28 publication in the statute book.

HOUSE BILL No. 2205

By Committee on Health and Human Services

2-3

1 AN ACT concerning advanced practice registered nurses; amending
2 K.S.A. 2014 Supp. 65-1113 and 65-1130 and repealing the existing
3 sections.
4

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

6 New Section 1. (a) For the purposes of this act, the board of nursing
7 and the board of healing arts shall jointly adopt rules and regulations
8 relating to the role of advanced practice registered nurses including such
9 conditions, limitations and restrictions that the boards determine to be
10 necessary to protect the public health and safety, and to protect the public
11 from advanced practice registered nurses performing functions and
12 procedures for which they lack adequate education, training and
13 qualifications. Such rules and regulations shall include the authority to
14 prescribe medications, sign for and order tests and treatments, and perform
15 other delegated medical acts and functions, and shall specify those services
16 or clinical settings which shall require a collaborative practice agreement
17 or protocol with a physician. In such cases, the scope of authority of the
18 advanced practice registered nurse shall be within and consistent with the
19 normal and customary specialty, practice and competence of any
20 collaborating, delegating or supervising physician.

21 (b) In developing the rules and regulations defining the role of the
22 advanced practice registered nurse, the boards shall consider:

23 (1) The different practice and clinical settings in which advanced
24 practice registered nurses function, and the differing degrees of
25 collaboration, direction or supervision appropriate for such settings;

26 (2) the education required for licensure as an advanced practice
27 registered nurse;

28 (3) the type of nursing practice and preparation in specialized
29 advanced practice skills involved in each role of the advanced practice
30 registered nurse established by the board;

31 (4) the scope and limitations of advanced practice nursing prescribed
32 by national advanced practice organizations; and

33 (5) acts recognized by the nursing profession as appropriate to be
34 performed by persons with post basic education in nursing.

35 (c) Subject to the provisions of subsection (a), the rules and
36 regulations adopted pursuant to this section shall:

1 (1) Establish roles and identify titles and abbreviations of advanced
2 practice registered nurses which are consistent with nursing practice
3 specialties recognized by the nursing profession; and

4 (2) establish education and qualifications necessary for licensure for
5 each role of advanced practice registered nurse established by the board at
6 a level adequate to assure the competent performance by advanced
7 practice registered nurses of functions and procedures which advanced
8 practice registered nurses are authorized to perform. Advanced practice
9 registered nursing is based on knowledge and skills acquired in basic
10 nursing education, licensure as a registered nurse and graduation from or
11 completion of a master's or higher degree in one of the advanced practice
12 registered nurse roles approved by the board of nursing.

13 (d) The board of nursing and the state board of healing arts shall
14 constitute a joint adopting authority for the purpose of adopting rules and
15 regulations as provided in this section. On and before July 1, 2016, rules
16 and regulations adopted under this section shall be to implement the
17 provisions of K.S.A. 2014 Supp. 65-1130, as that section will be amended
18 on July 1, 2016, by section 4 of this act even though such section will not
19 be effective until July 1, 2016, and such rules and regulations shall become
20 effective on July 1, 2016. On and after July 1, 2016, rules and regulations
21 adopted by the joint adopting authority under this section shall apply as
22 provided in this section.

23 (e) The joint adopting authority shall provide, on or before January
24 15, 2016, a report to the senate committee on public health and welfare
25 and to the house committee on health and human services concerning the
26 progress made toward adopting rules and regulations under this section
27 which report shall include a copy of the rules and regulations which have
28 been developed.

29 New Sec. 2. (a) For the purposes of assisting the board of nursing and
30 board of healing arts to develop the rules and regulations required to be
31 adopted jointly under section 1, and amendments thereto, there is hereby
32 established a joint APRN advisory committee, which shall be attached to
33 the board of nursing. The committee shall be advisory to the boards of
34 nursing and healing arts on matters relating to APRN licensure, regulation
35 and practice and shall assist with the development of regulations which
36 define the role of advanced practice registered nurses and establish
37 limitations and restrictions on such role.

38 (b) The joint committee shall be composed of six members. Three
39 members shall be appointed by the board of nursing, and three members
40 shall be appointed by the board of healing arts. All appointees of the board
41 of nursing must hold a license as an advanced practice registered nurse and
42 be actively engaged in advanced practice nursing. All appointees of the
43 board of healing arts must hold a license to practice medicine and surgery

1 and be actively engaged in the practice of medicine and surgery. One
2 member appointed by the board of nursing must be a member of that
3 board, and one member appointed by the board of healing arts must be a
4 member of that board. In appointing their remaining representatives on the
5 joint committee, the boards shall consider any names submitted by the
6 respective professional associations.

7 (c) All members shall serve at the pleasure of the appointing board,
8 and any vacancies shall be filled by the respective appointing boards.
9 During odd-numbered years, the member of the joint committee who is a
10 member of the board of nursing shall serve as chairperson, and during
11 even-numbered years, the member of the joint committee who is a member
12 of the board of healing arts shall serve as chairperson. A quorum of the
13 joint committee shall be four, and all actions of the committee shall be
14 taken by a majority of those present when there is a quorum.

15 (d) The joint committee shall meet within the state on the call of the
16 chairperson or as requested by the two appointing boards.

17 (e) Members of the joint committee shall receive from their
18 appointing board amounts as provided in K.S.A. 75-3223(e), and
19 amendments thereto, when attending meetings of the committee. The
20 expenses of the committee shall be shared equally by the board of nursing
21 and the board of healing arts.

22 Sec. 3. On and after July 1, 2016, K.S.A. 2014 Supp. 65-1113 is
23 hereby amended to read as follows: 65-1113. When used in this act and the
24 act of which this section is amendatory:

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

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

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

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

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

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

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

16 (g) "Advanced practice registered nurse" or "APRN" means a
17 professional nurse who holds a license from the board to function as a
18 professional nurse in an advanced role *by virtue of additional knowledge*
19 *and skills gained through a formal advanced practice education program*
20 *of nursing in a specialty area*, and this advanced role shall be defined by
21 rules and regulations *which are jointly* adopted by the board of nursing
22 *and the board of healing arts* in accordance with *section 1*, and
23 *amendments thereto*, and K.S.A. 65-1130, and amendments thereto.

24 (h) "*Joint adopting authority*" means *the state board of nursing and*
25 *the state board of healing arts as specified in section 1*, and amendments
26 *thereto*.

27 Sec. 4. On and after July 1, 2016, K.S.A. 2014 Supp. 65-1130 is
28 hereby amended to read as follows: 65-1130. (a) No professional nurse
29 shall announce or represent to the public that such person is an advanced
30 practice registered nurse unless such professional nurse has complied with
31 requirements established ~~by the board pursuant to law~~ and holds a valid
32 license as an advanced practice registered nurse in accordance with the
33 provisions of this section.

34 (b) ~~The board~~ *joint adopting authority* shall establish standards and
35 requirements for any professional nurse who desires to obtain licensure as
36 an advanced practice registered nurse. Such standards and requirements
37 shall include, but not be limited to, standards and requirements relating to
38 the education of advanced practice registered nurses. The board of nursing
39 may give such examinations and secure such assistance as it deems
40 necessary to determine the qualifications of applicants.

41 ~~The board shall adopt rules and regulations applicable to advanced~~
42 ~~practice registered nurses which:~~

43 ~~(1) Establish roles and identify titles and abbreviations of advanced~~

1 ~~practice registered nurses which are consistent with nursing practice~~
2 ~~specialties recognized by the nursing profession.~~

3 ~~(2) Establish education and qualifications necessary for licensure for~~
4 ~~each role of advanced practice registered nurse established by the board at~~
5 ~~a level adequate to assure the competent performance by advanced~~
6 ~~practice registered nurses of functions and procedures which advanced~~
7 ~~practice registered nurses are authorized to perform. Advanced practice~~
8 ~~registered nursing is based on knowledge and skills acquired in basic~~
9 ~~nursing education, licensure as a registered nurse and graduation from or~~
10 ~~completion of a master's or higher degree in one of the advanced practice~~
11 ~~registered nurse roles approved by the board of nursing.~~

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

31 ~~(d) An advanced practice registered nurse may prescribe drugs~~
32 ~~pursuant to a written protocol as authorized by a responsible physician.~~
33 ~~Each written protocol shall contain a precise and detailed medical plan of~~
34 ~~care for each classification of disease or injury for which the advanced~~
35 ~~practice registered nurse is authorized to prescribe and shall specify all~~
36 ~~drugs which may be prescribed by the advanced practice registered nurse.~~
37 ~~Any written prescription order shall include the name, address and~~
38 ~~telephone number of the responsible physician pursuant to the rules and~~
39 ~~regulations adopted by the joint adopting authority. The advanced practice~~
40 ~~registered nurse may not dispense drugs, but may request, receive and sign~~
41 ~~for professional samples and may distribute professional samples to~~
42 ~~patients pursuant to a written protocol as authorized by a responsible~~
43 ~~physician. In order to prescribe controlled substances, the advanced~~

1 practice registered nurse shall—~~(1) register with the federal drug~~
2 ~~enforcement administration; and (2) notify the board of the name and~~
3 ~~address of the responsible physician or physicians. In no case shall the~~
4 ~~scope of authority of the advanced practice registered nurse exceed the~~
5 ~~normal and customary practice of the responsible physician. An advanced~~
6 ~~practice registered nurse certified in the role of registered nurse anesthetist~~
7 ~~while functioning as a registered nurse anesthetist under K.S.A. 65-1151 to~~
8 ~~65-1164, inclusive, and amendments thereto, shall be subject to the~~
9 ~~provisions of K.S.A. 65-1151 to 65-1164, inclusive, and amendments~~
10 ~~thereto, with respect to drugs and anesthetic agents and shall not be subject~~
11 ~~to the provisions of this subsection. For the purposes of this subsection,~~
12 ~~"responsible physician" means a person licensed to practice medicine and~~
13 ~~surgery in Kansas who has accepted responsibility for the protocol and the~~
14 ~~actions of the advanced practice registered nurse when prescribing drugs.~~

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

18 ~~(f)(e)~~ A person ~~registered~~ *licensed* to practice as an advanced
19 registered nurse practitioner in the state of Kansas immediately prior to ~~the~~
20 ~~effective date of this act July 1, 2016,~~ shall be deemed to be licensed to
21 practice as an advanced practice registered nurse under this act and such
22 person shall not be required to file an original application for licensure
23 under this act. Any application for registration filed which has not been
24 granted prior to ~~the effective date of this act July 1, 2016,~~ shall be
25 processed as an application for licensure under this act.

26 ~~(f)~~ *All rules and regulations of the board in effect prior to July 1,*
27 *2016, which were adopted under this section and are applicable to*
28 *advanced practice registered nurses shall continue to be effective until*
29 *revised, amended, revoked or nullified pursuant to law.*

30 Sec. 5. On July 1, 2016, K.S.A. 2014 Supp. 65-1113 and 65-1130 are
31 hereby repealed.

32 Sec. 6. This act shall take effect and be in force from and after and its
33 publication in the statute book.

SENATE BILL No. 218

By Committee on Ways and Means

2-12

1 AN ACT concerning advanced practice registered nurses; amending
2 K.S.A. 2014 Supp. 65-1113 and 65-1130 and repealing the existing
3 sections.
4

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

6 New Section 1. (a) For the purposes of this act, the board of nursing
7 and the board of healing arts shall jointly adopt rules and regulations
8 relating to the role of advanced practice registered nurses including such
9 conditions, limitations and restrictions that the boards determine to be
10 necessary to protect the public health and safety, and to protect the public
11 from advanced practice registered nurses performing functions and
12 procedures for which they lack adequate education, training and
13 qualifications. Such rules and regulations shall include the authority to
14 prescribe medications, sign for and order tests and treatments, and perform
15 other delegated medical acts and functions, and shall specify those services
16 or clinical settings which shall require a collaborative practice agreement
17 or protocol with a physician. In such cases, the scope of authority of the
18 advanced practice registered nurse shall be within and consistent with the
19 normal and customary specialty, practice and competence of any
20 collaborating, delegating or supervising physician.

21 (b) In developing the rules and regulations defining the role of the
22 advanced practice registered nurse, the boards shall consider:

23 (1) The different practice and clinical settings in which advanced
24 practice registered nurses function, and the differing degrees of
25 collaboration, direction or supervision appropriate for such settings;

26 (2) the education required for licensure as an advanced practice
27 registered nurse;

28 (3) the type of nursing practice and preparation in specialized
29 advanced practice skills involved in each role of the advanced practice
30 registered nurse established by the board;

31 (4) the scope and limitations of advanced practice nursing prescribed
32 by national advanced practice organizations; and

33 (5) acts recognized by the nursing profession as appropriate to be
34 performed by persons with post basic education in nursing.

35 (c) Subject to the provisions of subsection (a), the rules and
36 regulations adopted pursuant to this section shall:

1 (1) Establish roles and identify titles and abbreviations of advanced
2 practice registered nurses which are consistent with nursing practice
3 specialties recognized by the nursing profession; and

4 (2) establish education and qualifications necessary for licensure for
5 each role of advanced practice registered nurse established by the board at
6 a level adequate to assure the competent performance by advanced
7 practice registered nurses of functions and procedures which advanced
8 practice registered nurses are authorized to perform. Advanced practice
9 registered nursing is based on knowledge and skills acquired in basic
10 nursing education, licensure as a registered nurse and graduation from or
11 completion of a master's or higher degree in one of the advanced practice
12 registered nurse roles approved by the board of nursing.

13 (d) The board of nursing and the state board of healing arts shall
14 constitute a joint adopting authority for the purpose of adopting rules and
15 regulations as provided in this section. On and before July 1, 2016, rules
16 and regulations adopted under this section shall be to implement the
17 provisions of K.S.A. 2014 Supp. 65-1130, as that section will be amended
18 on July 1, 2016, by section 4 of this act even though such section will not
19 be effective until July 1, 2016, and such rules and regulations shall become
20 effective on July 1, 2016. On and after July 1, 2016, rules and regulations
21 adopted by the joint adopting authority under this section shall apply as
22 provided in this section.

23 (e) The joint adopting authority shall provide, on or before January
24 15, 2016, a report to the senate committee on public health and welfare
25 and to the house committee on health and human services concerning the
26 progress made toward adopting rules and regulations under this section,
27 which report shall include a copy of the rules and regulations which have
28 been developed.

29 New Sec. 2. (a) For the purposes of assisting the board of nursing and
30 board of healing arts to develop the rules and regulations required to be
31 adopted jointly under section 1, and amendments thereto, there is hereby
32 established a joint APRN advisory committee, which shall be attached to
33 the board of nursing. The committee shall be advisory to the boards of
34 nursing and healing arts on matters relating to APRN licensure, regulation
35 and practice and shall assist with the development of regulations which
36 define the role of advanced practice registered nurses and establish
37 limitations and restrictions on such role.

38 (b) The joint committee shall be composed of six members. Three
39 members shall be appointed by the board of nursing, and three members
40 shall be appointed by the board of healing arts. All appointees of the board
41 of nursing must hold a license as an advanced practice registered nurse and
42 be actively engaged in advanced practice nursing. All appointees of the
43 board of healing arts must hold a license to practice medicine and surgery

1 and be actively engaged in the practice of medicine and surgery. One
2 member appointed by the board of nursing must be a member of that
3 board, and one member appointed by the board of healing arts must be a
4 member of that board. In appointing their remaining representatives on the
5 joint committee, the boards shall consider any names submitted by the
6 respective professional associations.

7 (c) All members shall serve at the pleasure of the appointing board,
8 and any vacancies shall be filled by the respective appointing boards.
9 During odd-numbered years, the member of the joint committee who is a
10 member of the board of nursing shall serve as chairperson, and during
11 even-numbered years, the member of the joint committee who is a member
12 of the board of healing arts shall serve as chairperson. A quorum of the
13 joint committee shall be four, and all actions of the committee shall be
14 taken by a majority of those present when there is a quorum.

15 (d) The joint committee shall meet within the state on the call of the
16 chairperson or as requested by the two appointing boards.

17 (e) Members of the joint committee shall receive from their
18 appointing board amounts as provided in K.S.A. 75-3223(e), and
19 amendments thereto, when attending meetings of the committee. The
20 expenses of the committee shall be shared equally by the board of nursing
21 and the board of healing arts.

22 Sec. 3. On and after July 1, 2016, K.S.A. 2014 Supp. 65-1113 is
23 hereby amended to read as follows: 65-1113. When used in this act and the
24 act of which this section is amendatory:

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

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

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

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

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

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

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

16 (g) "Advanced practice registered nurse" or "APRN" means a
17 professional nurse who holds a license from the board to function as a
18 professional nurse in an advanced role *by virtue of additional knowledge*
19 *and skills gained through a formal advanced practice education program*
20 *of nursing in a specialty area*, and this advanced role shall be defined by
21 rules and regulations *which are jointly* adopted by the board of nursing
22 *and the board of healing arts* in accordance with *section 1, and*
23 *amendments thereto*, and K.S.A. 65-1130, and amendments thereto.

24 (h) "*Joint adopting authority*" means *the state board of nursing and*
25 *the state board of healing arts as specified in section 1, and amendments*
26 *thereto*.

27 Sec. 4. On and after July 1, 2016, K.S.A. 2014 Supp. 65-1130 is
28 hereby amended to read as follows: 65-1130. (a) No professional nurse
29 shall announce or represent to the public that such person is an advanced
30 practice registered nurse unless such professional nurse has complied with
31 requirements established ~~by the board~~ *pursuant to law* and holds a valid
32 license as an advanced practice registered nurse in accordance with the
33 provisions of this section.

34 (b) ~~The board~~ *joint adopting authority* shall establish standards and
35 requirements for any professional nurse who desires to obtain licensure as
36 an advanced practice registered nurse. Such standards and requirements
37 shall include, but not be limited to, standards and requirements relating to
38 the education of advanced practice registered nurses. The board *of nursing*
39 may give such examinations and secure such assistance as it deems
40 necessary to determine the qualifications of applicants.

41 (c) ~~The board shall adopt rules and regulations applicable to advanced~~
42 ~~practice registered nurses which:~~

43 (1) ~~Establish roles and identify titles and abbreviations of advanced~~

1 ~~practice registered nurses which are consistent with nursing practice~~
2 ~~specialties recognized by the nursing profession.~~

3 ~~(2) Establish education and qualifications necessary for licensure for~~
4 ~~each role of advanced practice registered nurse established by the board at~~
5 ~~a level adequate to assure the competent performance by advanced~~
6 ~~practice registered nurses of functions and procedures which advanced~~
7 ~~practice registered nurses are authorized to perform. Advanced practice~~
8 ~~registered nursing is based on knowledge and skills acquired in basic~~
9 ~~nursing education, licensure as a registered nurse and graduation from or~~
10 ~~completion of a master's or higher degree in one of the advanced practice~~
11 ~~registered nurse roles approved by the board of nursing.~~

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

31 ~~(d) An advanced practice registered nurse may prescribe drugs~~
32 ~~pursuant to a written protocol as authorized by a responsible physician.~~
33 ~~Each written protocol shall contain a precise and detailed medical plan of~~
34 ~~care for each classification of disease or injury for which the advanced~~
35 ~~practice registered nurse is authorized to prescribe and shall specify all~~
36 ~~drugs which may be prescribed by the advanced practice registered nurse.~~
37 ~~Any written prescription order shall include the name, address and~~
38 ~~telephone number of the responsible physician pursuant to the rules and~~
39 ~~regulations adopted by the joint adopting authority. The advanced practice~~
40 ~~registered nurse may not dispense drugs, but may request, receive and sign~~
41 ~~for professional samples and may distribute professional samples to~~
42 ~~patients pursuant to a written protocol as authorized by a responsible~~
43 ~~physician. In order to prescribe controlled substances, the advanced~~

1 practice registered nurse shall—~~(1) register with the federal drug~~
2 ~~enforcement administration; and (2) notify the board of the name and~~
3 ~~address of the responsible physician or physicians. In no case shall the~~
4 ~~scope of authority of the advanced practice registered nurse exceed the~~
5 ~~normal and customary practice of the responsible physician. An advanced~~
6 ~~practice registered nurse certified in the role of registered nurse anesthetist~~
7 ~~while functioning as a registered nurse anesthetist under K.S.A. 65-1151 to~~
8 ~~65-1164, inclusive, and amendments thereto, shall be subject to the~~
9 ~~provisions of K.S.A. 65-1151 to 65-1164, inclusive, and amendments~~
10 ~~thereto, with respect to drugs and anesthetic agents and shall not be subject~~
11 ~~to the provisions of this subsection. For the purposes of this subsection,~~
12 ~~"responsible physician" means a person licensed to practice medicine and~~
13 ~~surgery in Kansas who has accepted responsibility for the protocol and the~~
14 ~~actions of the advanced practice registered nurse when prescribing drugs.~~

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

18 ~~(f)(e)~~ A person—*registered licensed* to practice as an advanced
19 registered nurse practitioner in the state of Kansas immediately prior to ~~the~~
20 ~~effective date of this act July 1, 2016,~~ shall be deemed to be licensed to
21 practice as an advanced practice registered nurse under this act and such
22 person shall not be required to file an original application for licensure
23 under this act. Any application for registration filed which has not been
24 granted prior to ~~the effective date of this act July 1, 2016,~~ shall be
25 processed as an application for licensure under this act.

26 *(f) All rules and regulations of the board in effect prior to July 1,*
27 *2016, which were adopted under this section and are applicable to*
28 *advanced practice registered nurses shall continue to be effective until*
29 *revised, amended, revoked or nullified pursuant to law.*

30 Sec. 5. On July 1, 2016, K.S.A. 2014 Supp. 65-1113 and 65-1130 are
31 hereby repealed.

32 Sec. 6. This act shall take effect and be in force from and after its
33 publication in the statute book.

SENATE BILL No. 141

By Committee on Public Health and Welfare

2-3

1 AN ACT concerning the state board of healing arts; podiatrists; scope of
2 practice; amending K.S.A. 65-28a02, as amended by section 42 of
3 chapter 131 of the 2014 Session Laws of Kansas and K.S.A. 2014
4 Supp. 65-1130 and repealing the existing sections.
5

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

7 New Section 1. (a) A podiatrist may delegate to a licensed physician
8 assistant and licensed advanced practice registered nurse the authority to
9 perform acts that constitute the practice of podiatry to the extent and in the
10 manner authorized by rules and regulations promulgated by the state board
11 of healing arts. Such acts shall be consistent with sound practices of
12 podiatry. Each prescription issued by a physician assistant and an
13 advanced practice registered nurse shall have the name of the supervising
14 podiatrist printed on the prescription. Nothing in this section shall limit the
15 ability of otherwise licensed health care providers to perform delegated
16 acts. The dispensing of prescription medication by a physician assistant
17 and an advanced practice registered nurse shall be subject to the provisions
18 of K.S.A. 65-28a08, and amendments thereto. The dispensing of
19 prescription medication by an advanced practice registered nurse shall be
20 subject to the provisions of K.S.A. 65-1130, and amendments thereto.

21 (b) The board shall limit the number of physician assistants and
22 advanced practice registered nurses a supervising podiatrist may be
23 responsible for at any one time to the equivalent of two full-time physician
24 assistants and advanced practice registered nurses combined as approved
25 in each case by the board. Any limitation on the number of physician
26 assistants and advanced practice registered nurses combined in this
27 subsection shall not apply to services performed in a medical care facility,
28 as defined in K.S.A. 65-425, and amendments thereto.

29 (c) The board shall adopt rules and regulations governing the
30 direction and supervision of a physician assistant and an advanced practice
31 registered nurse by the supervising podiatrist.

32 Sec. 2. K.S.A. 2014 Supp. 65-1130 is hereby amended to read as
33 follows: 65-1130. (a) No professional nurse shall announce or represent to
34 the public that such person is an advanced practice registered nurse unless
35 such professional nurse has complied with requirements established by the
36 board and holds a valid license as an advanced practice registered nurse in

1 accordance with the provisions of this section.

2 (b) The board shall establish standards and requirements for any
3 professional nurse who desires to obtain licensure as an advanced practice
4 registered nurse. Such standards and requirements shall include, but not be
5 limited to, standards and requirements relating to the education of
6 advanced practice registered nurses. The board may give such
7 examinations and secure such assistance as it deems necessary to
8 determine the qualifications of applicants.

9 (c) The board shall adopt rules and regulations applicable to advanced
10 practice registered nurses which:

11 (1) Establish roles and identify titles and abbreviations of advanced
12 practice registered nurses which are consistent with nursing practice
13 specialties recognized by the nursing profession.

14 (2) Establish education and qualifications necessary for licensure for
15 each role of advanced practice registered nurse established by the board at
16 a level adequate to assure the competent performance by advanced
17 practice registered nurses of functions and procedures which advanced
18 practice registered nurses are authorized to perform. Advanced practice
19 registered nursing is based on knowledge and skills acquired in basic
20 nursing education, licensure as a registered nurse and graduation from or
21 completion of a master's or higher degree in one of the advanced practice
22 registered nurse roles approved by the board of nursing.

23 (3) Define the role of advanced practice registered nurses and
24 establish limitations and restrictions on such role. The board shall adopt a
25 definition of the role under this subsection (c)(3) which is consistent with
26 the education and qualifications required to obtain a license as an
27 advanced practice registered nurse, which protects the public from persons
28 performing functions and procedures as advanced practice registered
29 nurses for which they lack adequate education and qualifications and
30 which authorizes advanced practice registered nurses to perform acts
31 generally recognized by the profession of nursing as capable of being
32 performed, in a manner consistent with the public health and safety, by
33 persons with postbasic education in nursing. In defining such role the
34 board shall consider: (A) The education required for a licensure as an
35 advanced practice registered nurse; (B) the type of nursing practice and
36 preparation in specialized advanced practice skills involved in each role of
37 advanced practice registered nurse established by the board; (C) the scope
38 and limitations of advanced practice nursing prescribed by national
39 advanced practice organizations; and (D) acts recognized by the nursing
40 profession as appropriate to be performed by persons with postbasic
41 education in nursing.

42 (d) An advanced practice registered nurse may prescribe drugs
43 pursuant to a written protocol as authorized by a responsible physician.

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

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

28 (f) A person registered to practice as an advanced registered nurse
29 practitioner in the state of Kansas immediately prior to the effective date of
30 this act shall be deemed to be licensed to practice as an advanced practice
31 registered nurse under this act and such person shall not be required to file
32 an original application for licensure under this act. Any application for
33 registration filed which has not been granted prior to the effective date of
34 this act shall be processed as an application for licensure under this act.

35 Sec. 3. K.S.A. 65-28a02, as amended by section 42 of chapter 131 of
36 the 2014 Session Laws of Kansas is hereby amended to read as follows:
37 65-28a02. (a) The following words and phrases when used in the physician
38 assistant licensure act shall have the meanings respectively ascribed to
39 them in this section:

40 (1) "Board" means the state board of healing arts.

41 (2) "Direction and supervision" means the guidance, direction and
42 coordination of activities of a physician assistant by such physician
43 assistant's supervising physician, whether written or verbal, whether

1 immediate or by prior arrangement, in accordance with standards
2 established by the board by rules and regulations, which standards shall be
3 designed to ensure adequate direction and supervision by the supervising
4 physician of the physician assistant. The term "direction and supervision"
5 shall not be construed to mean that the immediate or physical presence of
6 the supervising physician is required during the performance of the
7 physician assistant.

8 (3) "Physician" means any person licensed by the state board of
9 healing arts to practice medicine and surgery *and any person licensed by*
10 *the state board of healing arts to practice podiatry.*

11 (4) "Physician assistant" means a person who is licensed in
12 accordance with the provisions of K.S.A. 65-28a04, and amendments
13 thereto, and who provides patient services under the direction and
14 supervision of a supervising physician.

15 (5) "Supervising physician" means a physician who has accepted
16 responsibility for the medical services rendered and actions of the
17 physician assistant while performing under the direction and supervision
18 of the supervising physician.

19 (6) "Licensee," for purposes of the physician assistant licensure act,
20 means all persons issued a license or temporary license pursuant to the
21 physician assistant licensure act.

22 (7) "License," for purposes of the physician assistant licensure act,
23 means any license or temporary license granted by the physician assistant
24 licensure act.

25 Sec. 4. K.S.A. 65-28a02, as amended by section 42 of chapter 131 of
26 the 2014 Session Laws of Kansas and K.S.A. 2014 Supp. 65-1130 are
27 hereby repealed.

28 Sec. 5. This act shall take effect and be in force from and after July 1,
29 2016 and its publication in the statute book.

HOUSE BILL No. 2321

By Committee on Health and Human Services

2-11

1 AN ACT concerning health care; expanding the definition of charitable
2 health care provider; amending K.S.A. 2014 Supp. 75-6102 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2014 Supp. 75-6102 is hereby amended to read as
7 follows: 75-6102. As used in K.S.A. 75-6101 through 75-6118, and
8 amendments thereto, unless the context clearly requires otherwise:

9 (a) "State" means the state of Kansas and any department or branch of
10 state government, or any agency, authority, institution or other
11 instrumentality thereof.

12 (b) "Municipality" means any county, township, city, school district
13 or other political or taxing subdivision of the state, or any agency,
14 authority, institution or other instrumentality thereof.

15 (c) "Governmental entity" means state or municipality.

16 (d) (1) "Employee" means: (A) Any officer, employee, servant or
17 member of a board, commission, committee, division, department, branch
18 or council of a governmental entity, including elected or appointed
19 officials and persons acting on behalf or in service of a governmental
20 entity in any official capacity, whether with or without compensation and a
21 charitable health care provider;

22 (B) any steward or racing judge appointed pursuant to K.S.A. 74-
23 8818, and amendments thereto, regardless of whether the services of such
24 steward or racing judge are rendered pursuant to contract as an
25 independent contractor;

26 (C) employees of the United States marshal's service engaged in the
27 transportation of inmates on behalf of the secretary of corrections;

28 (D) a person who is an employee of a nonprofit independent
29 contractor, other than a municipality, under contract to provide educational
30 or vocational training to inmates in the custody of the secretary of
31 corrections and who is engaged in providing such service in an institution
32 under the control of the secretary of corrections provided that such
33 employee does not otherwise have coverage for such acts and omissions
34 within the scope of their employment through a liability insurance contract
35 of such independent contractor;

36 (E) a person who is an employee or volunteer of a nonprofit program,

- 1 other than a municipality, who has contracted with the commissioner of
2 juvenile justice or with another nonprofit program that has contracted with
3 the commissioner of juvenile justice to provide a juvenile justice program
4 for juvenile offenders in a judicial district provided that such employee or
5 volunteer does not otherwise have coverage for such acts and omissions
6 within the scope of their employment or volunteer activities through a
7 liability insurance contract of such nonprofit program;
- 8 (F) a person who contracts with the Kansas guardianship program to
9 provide services as a court-appointed guardian or conservator;
- 10 (G) an employee of an indigent health care clinic;
- 11 (H) former employees for acts and omissions within the scope of their
12 employment during their former employment with the governmental
13 entity;
- 14 (I) any member of a regional medical emergency response team,
15 created under the provisions of K.S.A. 48-928, and amendments thereto, in
16 connection with authorized training or upon activation for an emergency
17 response; and
- 18 (J) medical students enrolled at the university of Kansas medical
19 center who are in clinical training, on or after July 1, 2008, at the
20 university of Kansas medical center or at another health care institution.
- 21 (2) "Employee" does not include: (A) An individual or entity for
22 actions within the scope of K.S.A. 60-3614, and amendments thereto; or
- 23 (B) any independent contractor under contract with a governmental
24 entity except those contractors specifically listed in paragraph (1) of this
25 subsection.
- 26 (e) "Charitable health care provider" means a person licensed by the
27 state board of healing arts as an exempt licensee or a federally active
28 licensee, a person issued a limited permit by the state board of healing arts,
29 a physician assistant licensed by the state board of healing arts, a mental
30 health practitioner licensed by the behavioral sciences regulatory board, an
31 ultrasound technologist currently registered in any area of sonography
32 credentialed through the American registry of radiology technologists, the
33 American registry for diagnostic medical sonography or cardiovascular
34 credentialing international and working under the supervision of a person
35 licensed to practice medicine and surgery, or a health care provider as the
36 term "health care provider" is defined under K.S.A. 65-4921, and
37 amendments thereto, who has entered into an agreement with:
- 38 (1) The secretary of health and environment under K.S.A. 75-6120,
39 and amendments thereto, who, pursuant to such agreement, gratuitously
40 renders professional services to a person who has provided information
41 which would reasonably lead the health care provider to make the good
42 faith assumption that such person meets the definition of medically
43 indigent person as defined by this section or to a person receiving medical

1 assistance from the programs operated by the department of health and
2 environment, and who is considered an employee of the state of Kansas
3 under K.S.A. 75-6120, and amendments thereto;

4 (2) the secretary of health and environment and who, pursuant to such
5 agreement, gratuitously renders professional services in conducting
6 children's immunization programs administered by the secretary;

7 (3) a local health department or indigent health care clinic, which
8 renders professional services to medically indigent persons or persons
9 receiving medical assistance from the programs operated by the
10 department of health and environment gratuitously or for a fee paid by the
11 local health department or indigent health care clinic to such provider and
12 who is considered an employee of the state of Kansas under K.S.A. 75-
13 6120, and amendments thereto. Professional services rendered by a
14 provider under this paragraph (3) shall be considered gratuitous
15 notwithstanding fees based on income eligibility guidelines charged by a
16 local health department or indigent health care clinic and notwithstanding
17 any fee paid by the local health department or indigent health care clinic to
18 a provider in accordance with this paragraph (3);-or

19 (4) the secretary of health and environment to provide dentistry
20 services defined by K.S.A. 65-1422 et seq., and amendments thereto, or
21 dental hygienist services defined by K.S.A. 65-1456, and amendments
22 thereto, that are targeted, but are not limited to, medically indigent
23 persons, and are provided on a gratuitous basis: (A) At a location
24 sponsored by a not-for-profit organization that is not the dentist or dental
25 hygienist office location;-or (B) at the office location of a dentist or dental
26 hygienist provided the care be delivered as part of a program organized by
27 a not-for-profit organization and approved by the secretary of health and
28 environment; or (C) as part of a charitable program organized by the
29 dentist that has been approved by the secretary of health and environment
30 upon a showing that the dentist seeks to treat medically indigent patients
31 on a gratuitous basis, except that such dentistry services and dental
32 hygienist services shall not include "oral and maxillofacial surgery" as
33 defined by K.A.R. 71-2-2, or use sedation or general anesthesia that result
34 in "deep sedation" or "general anesthesia" as defined by K.A.R. 71-5-7-;
35 or

36 (5) *the shriners national network of hospitals for children to*
37 *participate in free medical care given by means of tele-medicine services.*
38 *Services rendered by a provider under this paragraph shall be considered*
39 *gratuitous notwithstanding compensation received for such services.*

40 (f) "Medically indigent person" means a person who lacks resources
41 to pay for medically necessary health care services and who meets the
42 eligibility criteria for qualification as a medically indigent person
43 established by the secretary of health and environment under K.S.A. 75-

1 6120, and amendments thereto.

2 (g) "Indigent health care clinic" means an outpatient medical care
3 clinic operated on a not-for-profit basis which has a contractual agreement
4 in effect with the secretary of health and environment to provide health
5 care services to medically indigent persons.

6 (h) "Local health department" shall have the meaning ascribed to
7 such term under K.S.A. 65-241, and amendments thereto.

8 (i) "Fire control, fire rescue or emergency medical services
9 equipment" means any vehicle, firefighting tool, protective clothing,
10 breathing apparatus and any other supplies, tools or equipment used in
11 firefighting or fire rescue or in the provision of emergency medical
12 services.

13 Sec. 2. K.S.A. 2014 Supp. 75-6102 is hereby repealed.

14 Sec. 3. This act shall take effect and be in force from and after its
15 publication in the statute book.

HOUSE BILL No. 2313

By Committee on Corrections and Juvenile Justice

2-11

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to assault; battery; unlawful interference with a firefighter; unlawful
3 interference with an emergency medical services attendant; creating the
4 crime of unlawful interference with a health care provider; amending
5 K.S.A. 2014 Supp. 21-5412, 21-5413, 21-6325 and 21-6326 and
6 repealing the existing sections.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2014 Supp. 21-5412 is hereby amended to read as
10 follows: 21-5412. (a) Assault is knowingly placing another person in
11 reasonable apprehension of immediate bodily harm;

12 (b) Aggravated assault is assault, as defined in subsection (a),
13 committed:

14 (1) With a deadly weapon;

15 (2) while disguised in any manner designed to conceal identity; or

16 (3) with intent to commit any felony.

17 (c) Assault of a law enforcement officer is assault, as defined in
18 subsection (a), committed against:

19 (1) A uniformed or properly identified state, county or city law
20 enforcement officer while such officer is engaged in the performance of
21 such officer's duty; or

22 (2) a uniformed or properly identified university or campus police
23 officer while such officer is engaged in the performance of such officer's
24 duty.

25 (d) Aggravated assault of a law enforcement officer is assault of a law
26 enforcement officer, as defined in subsection (c), committed:

27 (1) With a deadly weapon;

28 (2) while disguised in any manner designed to conceal identity; or

29 (3) with intent to commit any felony.

30 (e) *Assault of a health care provider is assault, as defined in*
31 *subsection (a), committed against a health care provider while such*
32 *provider is engaged in the performance of such provider's duty.*

33 (f) *Aggravated assault of a health care provider is assault of a health*
34 *care provider, as defined in subsection (e), committed:*

35 (1) *With a deadly weapon;*

36 (2) *while disguised in any manner designed to conceal identity; or*

- 1 (3) *with intent to commit any felony.*
- 2 ~~(e)~~ (g) (1) Assault is a class C person misdemeanor.
- 3 (2) Aggravated assault is a severity level 7, person felony.
- 4 (3) Assault of a law enforcement officer is a class A person
- 5 misdemeanor.
- 6 (4) Aggravated assault of a law enforcement officer is a severity level
- 7 6, person felony. A person convicted of aggravated assault of a law
- 8 enforcement officer shall be subject to the provisions of ~~subsection (g)~~ of
- 9 K.S.A. 2014 Supp. 21-6804(g), and amendments thereto.
- 10 (5) *Assault of a health care provider is a class A person*
- 11 *misdemeanor.*
- 12 (6) *Aggravated assault of a health care provider is a severity level 6,*
- 13 *person felony.*
- 14 (h) *As used in this section, "health care provider" means:*
- 15 (1) *A person licensed by the state board of healing arts;*
- 16 (2) *a person engaged in a postgraduate training program approved*
- 17 *by the state board of healing arts;*
- 18 (3) *an attendant certified by the emergency medical services board;*
- 19 (4) *a person registered or licensed by the state board of pharmacy;*
- 20 (5) *a person licensed by the behavioral sciences regulatory board;*
- 21 (6) *a licensed optometrist, dietician, speech-language pathologist,*
- 22 *audiologist, dentist, dental hygienist, practical nurse or professional*
- 23 *nurse;*
- 24 (7) *a person certified by the secretary for aging and disability*
- 25 *services as a nurse aide, medication aide or paid nutrition assistant;*
- 26 (8) *a person performing services for a medical care facility licensed*
- 27 *under K.S.A. 65-425 et seq., and amendments thereto, but who does not*
- 28 *receive compensation, either directly or indirectly, for those services;*
- 29 (9) *a person currently enrolled in a postsecondary educational*
- 30 *institution, as defined in K.S.A. 74-3201b, and amendments thereto, and*
- 31 *performing health care related services for a medical care facility licensed*
- 32 *under K.S.A. 65-425 et seq., and amendments thereto; and*
- 33 (10) *a person currently enrolled in a training program approved by*
- 34 *the emergency medical services board pursuant to K.S.A. 65-6111, and*
- 35 *amendments thereto.*
- 36 Sec. 2. K.S.A. 2014 Supp. 21-5413 is hereby amended to read as
- 37 follows: 21-5413. (a) Battery is:
- 38 (1) Knowingly or recklessly causing bodily harm to another person;
- 39 or
- 40 (2) knowingly causing physical contact with another person when
- 41 done in a rude, insulting or angry manner;
- 42 (b) Aggravated battery is:
- 43 (1) (A) Knowingly causing great bodily harm to another person or

- 1 disfigurement of another person;
- 2 (B) knowingly causing bodily harm to another person with a deadly
3 weapon, or in any manner whereby great bodily harm, disfigurement or
4 death can be inflicted; or
- 5 (C) knowingly causing physical contact with another person when
6 done in a rude, insulting or angry manner with a deadly weapon, or in any
7 manner whereby great bodily harm, disfigurement or death can be
8 inflicted;
- 9 (2) (A) recklessly causing great bodily harm to another person or
10 disfigurement of another person; or
- 11 (B) recklessly causing bodily harm to another person with a deadly
12 weapon, or in any manner whereby great bodily harm, disfigurement or
13 death can be inflicted; or
- 14 (3) (A) committing an act described in K.S.A. 8-1567, and
15 amendments thereto, when great bodily harm to another person or
16 disfigurement of another person results from such act; or
- 17 (B) committing an act described in K.S.A. 8-1567, and amendments
18 thereto, when bodily harm to another person results from such act under
19 circumstances whereby great bodily harm, disfigurement or death can
20 result from such act.
- 21 (c) Battery against a law enforcement officer is:
- 22 (1) Battery, as defined in subsection (a)(2), committed against a:
- 23 (A) Uniformed or properly identified university or campus police
24 officer while such officer is engaged in the performance of such officer's
25 duty; or
- 26 (B) uniformed or properly identified state, county or city law
27 enforcement officer, other than a state correctional officer or employee, a
28 city or county correctional officer or employee, a juvenile correctional
29 facility officer or employee or a juvenile detention facility officer, or
30 employee, while such officer is engaged in the performance of such
31 officer's duty; or
- 32 (2) battery, as defined in subsection (a)(1), committed against a:
- 33 (A) Uniformed or properly identified university or campus police
34 officer while such officer is engaged in the performance of such officer's
35 duty; or
- 36 (B) uniformed or properly identified state, county or city law
37 enforcement officer, other than a state correctional officer or employee, a
38 city or county correctional officer or employee, a juvenile correctional
39 facility officer or employee or a juvenile detention facility officer, or
40 employee, while such officer is engaged in the performance of such
41 officer's duty; or
- 42 (3) battery, as defined in subsection (a) committed against a:
- 43 (A) State correctional officer or employee by a person in custody of

- 1 the secretary of corrections, while such officer or employee is engaged in
- 2 the performance of such officer's or employee's duty;
- 3 (B) juvenile correctional facility officer or employee by a person
- 4 confined in such juvenile correctional facility, while such officer or
- 5 employee is engaged in the performance of such officer's or employee's
- 6 duty;
- 7 (C) juvenile detention facility officer or employee by a person
- 8 confined in such juvenile detention facility, while such officer or employee
- 9 is engaged in the performance of such officer's or employee's duty; or
- 10 (D) city or county correctional officer or employee by a person
- 11 confined in a city holding facility or county jail facility, while such officer
- 12 or employee is engaged in the performance of such officer's or employee's
- 13 duty.
- 14 (d) Aggravated battery against a law enforcement officer is:
- 15 (1) ~~An~~ Aggravated battery, as defined in subsection (b)(1)(A)
- 16 committed against a:
- 17 (A) Uniformed or properly identified state, county or city law
- 18 enforcement officer while the officer is engaged in the performance of the
- 19 officer's duty; or
- 20 (B) uniformed or properly identified university or campus police
- 21 officer while such officer is engaged in the performance of such officer's
- 22 duty;
- 23 (2) ~~an~~ Aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)
- 24 (C), committed against a:
- 25 (A) Uniformed or properly identified state, county or city law
- 26 enforcement officer while the officer is engaged in the performance of the
- 27 officer's duty; or
- 28 (B) uniformed or properly identified university or campus police
- 29 officer while such officer is engaged in the performance of such officer's
- 30 duty; or
- 31 (3) knowingly causing, with a motor vehicle, bodily harm to a:
- 32 (A) Uniformed or properly identified state, county or city law
- 33 enforcement officer while the officer is engaged in the performance of the
- 34 officer's duty; or
- 35 (B) uniformed or properly identified university or campus police
- 36 officer while such officer is engaged in the performance of such officer's
- 37 duty.
- 38 (e) Battery against a school employee is a battery, as defined in
- 39 subsection (a), committed against a school employee in or on any school
- 40 property or grounds upon which is located a building or structure used by a
- 41 unified school district or an accredited nonpublic school for student
- 42 instruction or attendance or extracurricular activities of pupils enrolled in
- 43 kindergarten or any of the grades one through 12 or at any regularly

1 scheduled school sponsored activity or event, while such employee is
2 engaged in the performance of such employee's duty.

3 (f) Battery against a mental health employee is a battery, as defined in
4 subsection (a), committed against a mental health employee by a person in
5 the custody of the secretary for aging and disability services, while such
6 employee is engaged in the performance of such employee's duty.

7 (g) *Battery against a health care provider is:*

8 (1) *Battery, as defined in subsection (a)(2), committed against a*
9 *health care provider while such provider is engaged in the performance of*
10 *such provider's duty;*

11 (2) *battery, as defined in subsection (a)(1), committed against a*
12 *health care provider while such provider is engaged in the performance of*
13 *such provider's duty; or*

14 (3) *intentionally causing human bodily fluid to make physical contact*
15 *with a health care provider while such provider is engaged in the*
16 *performance of such provider's duty.*

17 (h) *Aggravated battery against a health care provider is:*

18 (1) *Aggravated battery, as defined in subsection (b)(1)(A), committed*
19 *against a health care provider while such provider is engaged in the*
20 *performance of such provider's duty;*

21 (2) *aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)*
22 *(C), committed against a health care provider while such provider is*
23 *engaged in the performance of such provider's duty; or*

24 (3) *intentionally causing human bodily fluid to make physical contact*
25 *with a health care provider while such provider is engaged in the*
26 *performance of such provider's duty and the offender has knowledge that*
27 *the source of the human bodily fluid is infected with human*
28 *immunodeficiency virus, hepatitis B or hepatitis C at the time the offense*
29 *is committed.*

30 ~~(g)~~ (i) (1) Battery is a class B person misdemeanor.

31 (2) Aggravated battery as defined in:

32 (A) Subsection (b)(1)(A) is a severity level 4, person felony;

33 (B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person
34 felony;

35 (C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person
36 felony; and

37 (D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person
38 felony.

39 (3) Battery against a law enforcement officer as defined in:

40 (A) Subsection (c)(1) is a class A person misdemeanor;

41 (B) subsection (c)(2) is a severity level 7, person felony; and

42 (C) subsection (c)(3) is a severity level 5, person felony.

43 (4) Aggravated battery against a law enforcement officer as defined

1 in:

2 (A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony;
3 and

4 (B) subsection (d)(2) is a severity level 4, person felony.

5 (5) Battery against a school employee is a class A person
6 misdemeanor.

7 (6) Battery against a mental health employee is a severity level 7,
8 person felony.

9 (7) *Battery against a health care provider as defined in:*

10 (A) *Subsection (g)(1) is a class A person misdemeanor; and*

11 (B) *subsection (g)(2) or (g)(3) is a severity level 7, person felony.*

12 (8) *Aggravated battery against a health care provider as defined in:*

13 (A) *Subsection (h)(1) is a severity level 3, person felony; and*

14 (B) *subsection (h)(2) or (h)(3) is a severity level 4, person felony.*

15 ~~(h)~~ (j) As used in this section:

16 (1) "Correctional institution" means any institution or facility under
17 the supervision and control of the secretary of corrections;

18 (2) "state correctional officer or employee" means any officer or
19 employee of the Kansas department of corrections or any independent
20 contractor, or any employee of such contractor, working at a correctional
21 institution;

22 (3) "juvenile correctional facility officer or employee" means any
23 officer or employee of the juvenile justice authority or any independent
24 contractor, or any employee of such contractor, working at a juvenile
25 correctional facility, as defined in K.S.A. 2014 Supp. 38-2302, and
26 amendments thereto;

27 (4) "juvenile detention facility officer or employee" means any officer
28 or employee of a juvenile detention facility as defined in K.S.A. 2014
29 Supp. 38-2302, and amendments thereto;

30 (5) "city or county correctional officer or employee" means any
31 correctional officer or employee of the city or county or any independent
32 contractor, or any employee of such contractor, working at a city holding
33 facility or county jail facility;

34 (6) "school employee" means any employee of a unified school
35 district or an accredited nonpublic school for student instruction or
36 attendance or extracurricular activities of pupils enrolled in kindergarten or
37 any of the grades one through 12; ~~and~~

38 (7) "mental health employee" means an employee of the Kansas
39 department for aging and disability services working at Larned state
40 hospital, Osawatomie state hospital and Rainbow mental health facility,
41 Kansas neurological institute and Parsons state hospital and training center
42 and the treatment staff as defined in K.S.A. 59-29a02, and amendments
43 thereto;

- 1 (8) "health care provider" means:
- 2 (A) A person licensed by the state board of healing arts;
- 3 (B) a person engaged in a postgraduate training program approved
- 4 by the state board of healing arts;
- 5 (C) an attendant certified by the emergency medical services board;
- 6 (D) a person registered or licensed by the state board of pharmacy;
- 7 (E) a person licensed by the behavioral sciences regulatory board;
- 8 (F) a licensed optometrist, dietician, speech-language pathologist,
- 9 audiologist, dentist, dental hygienist, practical nurse or professional
- 10 nurse;
- 11 (G) a person certified by the secretary for aging and disability
- 12 services as a nurse aide, medication aide or paid nutrition assistant;
- 13 (H) a person performing services for a medical care facility licensed
- 14 under K.S.A. 65-425 et seq., and amendments thereto, but who does not
- 15 receive compensation, either directly or indirectly, for those services;
- 16 (I) a person currently enrolled in a postsecondary educational
- 17 institution, as defined in K.S.A. 74-3201b, and amendments thereto, and
- 18 performing health care related services for a medical care facility licensed
- 19 under K.S.A. 65-425 et seq., and amendments thereto; and
- 20 (J) a person currently enrolled in a training program approved by the
- 21 emergency medical services board pursuant to K.S.A. 65-6111, and
- 22 amendments thereto; and
- 23 (9) "human bodily fluid" means any naturally produced secretion or
- 24 waste product generated by the human body and shall include, but not be
- 25 limited to, any quantity of human blood, urine, saliva, mucus, vomitus,
- 26 seminal fluid or feces.
- 27 Sec. 3. K.S.A. 2014 Supp. 21-6325 is hereby amended to read as
- 28 follows: 21-6325. (a) Unlawful interference with a firefighter is
- 29 knowingly:
- 30 (1) Interfering with any firefighter while *such firefighter is* engaged in
- 31 the performance of such firefighter's ~~duties~~ *duty*; or
- 32 (2) obstructing, interfering with or impeding the efforts of any
- 33 firefighter to reach the location of a fire or other emergency.
- 34 (b) Unlawful interference with a firefighter is a class-B ~~A~~ person
- 35 misdemeanor.
- 36 (c) A person who violates the provisions of this section may also be
- 37 prosecuted for, convicted of, and punished for assault or battery.
- 38 Sec. 4. K.S.A. 2014 Supp. 21-6326 is hereby amended to read as
- 39 follows: 21-6326. (a) Unlawful interference with an emergency medical
- 40 services attendant is knowingly:
- 41 (1) Interfering with any attendant while *such attendant is* engaged in
- 42 the performance of such attendant's ~~duties~~ *duty*; or
- 43 (2) obstructing, interfering with or impeding the efforts of any

1 attendant to reach the location of an emergency.

2 (b) Unlawful interference with an emergency medical services
3 attendant is a class ~~B~~ A person misdemeanor.

4 (c) As used in this section, "attendant" means the same as in K.S.A.
5 65-6112, and amendments thereto.

6 (d) A person who violates the provisions of this section may also be
7 prosecuted for, convicted of, and punished for assault or battery.

8 New Sec. 5. (a) Unlawful interference with a health care provider is
9 knowingly interfering with any health care provider while such provider is
10 engaged in the performance of such provider's duty.

11 (b) Unlawful interference with a health care provider is a class A
12 person misdemeanor.

13 (c) As used in this section, "health care provider" means:

14 (1) A person licensed by the state board of healing arts;

15 (2) a person engaged in a postgraduate training program approved by
16 the state board of healing arts;

17 (3) a person registered or licensed by the state board of pharmacy;

18 (4) a person licensed by the behavioral sciences regulatory board;

19 (5) a licensed optometrist, dietician, speech-language pathologist,
20 audiologist, dentist, dental hygienist, practical nurse or professional nurse;

21 (6) a person certified by the secretary for aging and disability services
22 as a nurse aide, medication aide or paid nutrition assistant;

23 (7) a person performing services for a medical care facility licensed
24 under K.S.A. 65-425 et seq., and amendments thereto, but who does not
25 receive compensation, either directly or indirectly, for those services;

26 (8) a person currently enrolled in a postsecondary educational
27 institution, as defined in K.S.A. 74-3201b, and amendments thereto, and
28 performing health care related services for a medical care facility licensed
29 under K.S.A. 65-425 et seq., and amendments thereto; and

30 (9) a person currently enrolled in a training program approved by the
31 emergency medical services board pursuant to K.S.A. 65-6111, and
32 amendments thereto.

33 (d) A person who violates the provisions of this section may also be
34 prosecuted for, convicted of, and punished for assault and battery.

35 (e) This section shall be part of and supplemental to the Kansas
36 criminal code.

37 Sec. 6. K.S.A. 2014 Supp. 21-5412, 21-5413, 21-6325 and 21-6326
38 are hereby repealed.

39 Sec. 7. This act shall take effect and be in force from and after its
40 publication in the statute book.