



Kansas State Board of Nursing Special Board Meeting Notice

Date: February 4, 2019 @ 10:00 a.m.

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

Access Code: 342634

Landon State Office Building
900 SW Jackson, Room 1051
Topeka, KS 66612-1230

AGENDA:
House Bill 2066

HOUSE BILL No. 2066

By Committee on Health and Human Services

1-23

1 AN ACT concerning advanced practice registered nurses; board of
2 nursing; relating to definition of practice; prescribing authority;
3 licensure requirements; rules and regulations; amending K.S.A. 65-
4 1130 and 65-4101 and K.S.A. 2017 Supp. 65-1113, as amended by
5 section 2 of of chapter 42 of the 2018 Session Laws of Kansas 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. 2017 Supp. 65-1113, as amended by section 2 of
10 chapter 42 of the 2018 Session Laws of Kansas, is hereby amended to read
11 as follows: 65-1113. When used in this act and the act of which this
12 section is amendatory:

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

14 (b) "Diagnosis" in the context of nursing practice means ~~that the~~
15 identification of and discrimination between physical and psychosocial
16 signs and symptoms essential to effective ~~execution~~ *implementation* and
17 management of the ~~nursing regimen and shall be construed as distinct from~~
18 ~~a medical diagnosis~~ *patient's healthcare, determined by the nurse's level of*
19 *education.*

20 (c) "Treatment" means the selection and performance of those
21 therapeutic measures essential to effective ~~execution~~ *implementation* and
22 management of the ~~nursing regimen, and any prescribed medical regimen~~
23 ~~patient's healthcare, determined by the nurse's level of education.~~

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

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

9 (3) *The practice of professional nursing as an advanced practice*
10 *registered nurse as defined in subsection (g) within the APRN role means,*
11 *in addition to the practice and responsibilities of professional nursing as*
12 *defined in paragraph (1): Conducting an advanced assessment; ordering*
13 *and interpreting diagnostic procedures; establishing primary and*
14 *differential diagnoses; prescribing, ordering, administering and furnishing*
15 *therapeutic measures as set forth by the board; delegating and assigning*
16 *therapeutic measures to assistive personnel; collaborating and consulting*
17 *with physicians and other healthcare providers; providing referrals to*
18 *healthcare providers, agencies and community resources; and other acts*
19 *that require education and training consistent with the professional*
20 *standards and commensurate with the APRN's education, certification,*
21 *demonstrated competencies and experience.*

22 (e) A "professional nurse" means a person who is licensed to practice
23 professional nursing as defined in subsection (d)(1).

24 (f) A "practical nurse" means a person who is licensed to practice
25 practical nursing as defined in subsection (d)(2).

26 (g) "Advanced practice registered nurse" or "APRN" means a
27 professional nurse who holds a license from the board to ~~function practice~~
28 *advanced practice registered nursing as defined in subsection (d)(3)* as a
29 professional nurse in an advanced role, and this advanced role ~~shall~~ *may be*
30 *further defined by rules and regulations consistent with the Kansas nurse*
31 *practice act* adopted by the board in accordance with K.S.A. 65-1130, and
32 amendments thereto.

33 (h) "Continuing nursing education" means learning experiences
34 intended to build upon the educational and experiential bases of the
35 registered professional and licensed practical nurse for the enhancement of
36 practice, education, administration, research or theory development to the
37 end of improving the health of the public.

38 (i) "Collaboration" means the process in which two or more
39 healthcare professionals work together to meet the healthcare needs of a
40 patient, as warranted by the patient.

41 (j) "Consultation" means the process in which an advanced practice
42 registered nurse who maintains primary management responsibility for a
43 patient's care seeks advice or opinion of a physician or another member of

1 *the healthcare team.*

2 Sec. 2. K.S.A. 65-1130 is hereby amended to read as follows: 65-
3 1130. (a) No professional nurse shall announce or represent to the public
4 that such person is an advanced practice registered nurse unless such
5 professional nurse has complied with requirements established by the
6 board and holds a valid license as an advanced practice registered nurse in
7 accordance with the provisions of this section.

8 (b) (1) The board shall establish standards and requirements for any
9 professional nurse who desires to obtain licensure as an advanced practice
10 registered nurse. Such standards and requirements shall include, but not be
11 limited to, standards and requirements relating to the education of
12 advanced practice registered nurses. The board may give such
13 examinations and secure such assistance as it deems necessary to
14 determine the qualifications of applicants.

15 (2) *On and after July 1, 2020, for an applicant, an initial advanced*
16 *practice registered nurse license shall have a current advanced practice*
17 *registered nurse certification in such applicant's specific role granted by a*
18 *national certifying organization recognized by the board whose*
19 *certification standards are approved by the board as equal to or greater*
20 *than the corresponding standards established by the board.*

21 (c) The board shall adopt rules and regulations *consistent with the*
22 *Kansas nurse practice act* applicable to advanced practice registered
23 nurses ~~which that~~:

24 (1) Establish roles and identify titles and abbreviations of advanced
25 practice registered nurses ~~which that~~ are consistent with nursing practice
26 specialties recognized by the nursing profession *including titles describing*
27 *the four APRN roles of certified registered nurse anesthetist, clinical nurse*
28 *specialist, certified nurse midwife and certified nurse practitioner.*

29 (2) Establish education and qualifications necessary for licensure for
30 each role of advanced practice registered nurse established by the board ~~at~~
31 ~~a level adequate to assure the competent performance by advanced~~
32 ~~practice registered nurses of functions and procedures which advanced~~
33 ~~practice registered nurses are authorized to perform. Advanced practice~~
34 ~~registered nursing is based on knowledge and skills acquired in. Education~~
35 *and qualifications for APRN licensure established by the board shall*
36 *include completion of basic nursing education, licensure as a registered*
37 *nurse and graduation from or completion of a master's or higher degree an*
38 *accredited graduate or post-graduate level APRN program* in one of the
39 advanced practice registered nurse roles approved by the board of nursing.

40 (3) Define the role of advanced practice registered nurses and
41 establish limitations and restrictions on such role *consistent with the*
42 *Kansas nurse practice act*. The board shall adopt a definition of the role
43 ~~under this paragraph which that~~ is consistent with the education and

1 qualifications required to obtain a license as an advanced practice
 2 registered nurse, ~~which~~ *that* protects the public from persons performing
 3 functions and procedures as advanced practice registered nurses for which
 4 they lack adequate education and qualifications and ~~which~~ *that* authorizes
 5 advanced practice registered nurses to perform acts generally recognized
 6 by the profession of nursing as capable of being performed, in a manner
 7 consistent with the public health and safety, by persons with postbasic
 8 education in nursing. In defining such role the board shall consider:

9 (A) The education required for a licensure as an advanced practice
 10 registered nurse;

11 (B) the type of nursing practice and preparation in specialized
 12 advanced practice skills involved in each role of advanced practice
 13 registered nurse established by the board;

14 (C) the scope and limitations of advanced practice nursing prescribed
 15 by national advanced practice organizations. *Advanced practice nursing is*
 16 *built on the practice of health promotion, health maintenance, illness*
 17 *prevention, diagnosis, treatment and management of common health*
 18 *problems and acute and chronic conditions; and*

19 (D) acts recognized by the nursing profession as appropriate to be
 20 performed by persons with postbasic education in nursing.

21 (4) *Require an advanced practice registered nurse to wear*
 22 *identification that clearly identifies the nurse as such when providing*
 23 *direct patient care, unless wearing identification creates a safety or health*
 24 *risk to the nurse or patient.*

25 (d) (1) ~~An advanced practice registered nurse may prescribe drugs~~
 26 ~~pursuant to a written protocol as authorized by a responsible physician.~~
 27 ~~Each written protocol shall contain a precise and detailed medical plan of~~
 28 ~~care for each classification of disease or injury for which the advanced~~
 29 ~~practice registered nurse is authorized to prescribe and shall specify all~~
 30 ~~drugs which may be prescribed by the advanced practice registered nurse.~~
 31 ~~Any written, procure and administer prescription drugs and controlled~~
 32 ~~substances in schedules II through V pursuant to applicable federal and~~
 33 ~~state laws.~~

34 (2) ~~A prescription order shall include the name, address and telephone~~
 35 ~~number of the responsible physician. The advanced practice registered~~
 36 ~~nurse. An advanced practice registered nurse may not dispense drugs, but~~
 37 ~~may request, receive and sign for professional samples and may distribute~~
 38 ~~professional samples to patients pursuant to a written protocol as~~
 39 ~~authorized by a responsible physician.~~

40 (3) In order to prescribe controlled substances, the advanced practice
 41 registered nurse shall: ~~(1)~~

42 (A) Register with the federal drug enforcement administration; and
 43 ~~(2)~~

1 ~~(B) notify the board of the name and address of the responsible~~
2 ~~physician or physicians. In no case shall the scope of authority of the~~
3 ~~advanced practice registered nurse exceed the normal and customary~~
4 ~~practice of the responsible physician federal drug enforcement~~
5 ~~administration registration as prescribed by the rules and regulations of~~
6 ~~the board. An advanced practice registered nurse shall comply with the~~
7 ~~federal drug enforcement administration requirements related to~~
8 ~~controlled substances.~~

9 (4) An advanced practice registered nurse certified in the role of
10 registered nurse anesthetist while functioning as a registered nurse
11 anesthetist under K.S.A. 65-1151 through 65-1164, and amendments
12 thereto, shall be subject to the provisions of K.S.A. 65-1151 through 65-
13 1164, and amendments thereto, with respect to drugs and anesthetic agents
14 and shall not be subject to the provisions of this subsection. ~~For the~~
15 ~~purposes of this subsection, "responsible physician" means a person~~
16 ~~licensed to practice medicine and surgery in Kansas who has accepted~~
17 ~~responsibility for the protocol and the actions of the advanced practice~~
18 ~~registered nurse when prescribing drugs.~~

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

29 (e) As used in this section, "drug" means those articles and substances
30 defined as drugs in K.S.A. 65-1626 and 65-4101, and 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~~ *that* has not been granted prior to the effective date
37 of this act shall be processed as an application for licensure under this act.

38 (g) An advanced practice registered nurse certified in the role of
39 certified nurse-midwife and engaging in the independent practice of
40 midwifery under the independent practice of midwifery act with respect to
41 prescribing drugs shall be subject to the provisions of the independent
42 practice of midwifery act and shall not be subject to the provisions of this
43 section.

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

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

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

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

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

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

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

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

23 (g) (1) "Controlled substance analog" means a substance that is
24 intended for human consumption, and at least one of the following:

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

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

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

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

41 (A) A controlled substance;

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

43 or

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

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

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

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

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

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

23 (m) "Dispenser" means a practitioner or pharmacist who dispenses, or
24 a physician assistant who has authority to dispense prescription-only drugs
25 in accordance with K.S.A. 65-28a08(b), and amendments thereto.

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

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

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

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

1 (r) "Electronic prescription" means an electronically prepared
2 prescription that is authorized and transmitted from the prescriber to the
3 pharmacy by means of electronic transmission.

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

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

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

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

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

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

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

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

43 (1) By a practitioner or the practitioner's agent pursuant to a lawful

1 order of a practitioner as an incident to the practitioner's administering or
2 dispensing of a controlled substance in the course of the practitioner's
3 professional practice; or

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

8 (aa) "Marijuana" means all parts of all varieties of the plant Cannabis
9 whether growing or not, the seeds thereof, the resin extracted from any
10 part of the plant and every compound, manufacture, salt, derivative,
11 mixture or preparation of the plant, its seeds or resin. It does not include:

12 (1) The mature stalks of the plant, fiber produced from the stalks, oil or
13 cake made from the seeds of the plant, any other compound, manufacture,
14 salt, derivative, mixture or preparation of the mature stalks, except the
15 resin extracted therefrom, fiber, oil or cake or the sterilized seed of the
16 plant ~~which~~ that is incapable of germination; (2) any substance listed in
17 schedules II through V of the uniform controlled substances act; or (3)
18 cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-
19 cyclohexen-1-yl]-5-pentyl-1,3-benzenediol).

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

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

31 (dd) "Narcotic drug" means any of the following whether produced
32 directly or indirectly by extraction from substances of vegetable origin or
33 independently by means of chemical synthesis or by a combination of
34 extraction and chemical synthesis:

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

37 (2) any salt, compound, isomer, derivative or preparation thereof
38 ~~which~~ that is chemically equivalent or identical with any of the substances
39 referred to in paragraph (1) but not including the isoquinoline alkaloids of
40 opium;

41 (3) opium poppy and poppy straw; *or*

42 (4) coca leaves and any salt, compound, derivative or preparation of
43 coca leaves, and any salt, compound, isomer, derivative or preparation

1 thereof ~~which~~ *that* is chemically equivalent or identical with any of these
2 substances, but not including decocainized coca leaves or extractions of
3 coca leaves ~~which~~ *that* do not contain cocaine or ecgonine.

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

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

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

16 (hh) "Pharmacist" means any natural person licensed under K.S.A.
17 65-1625 et seq., and amendments thereto, to practice pharmacy.

18 (ii) "Pharmacist intern" means: (1) A student currently enrolled in an
19 accredited pharmacy program; (2) a graduate of an accredited pharmacy
20 program serving such person's internship; or (3) a graduate of a pharmacy
21 program located outside of the United States ~~which~~ *that* is not accredited,
22 and who had successfully passed equivalency examinations approved by
23 the board.

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

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

29 (ll) "Practitioner" means a person licensed to practice medicine and
30 surgery, dentist, podiatrist, veterinarian, optometrist, or scientific
31 investigator or other person authorized by law to use a controlled
32 substance in teaching or chemical analysis or to conduct research with
33 respect to a controlled substance.

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

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

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

1 (pp) "Ultimate user" means a person who lawfully possesses a
2 controlled substance for such person's own use or for the use of a member
3 of such person's household or for administering to an animal owned by
4 such person or by a member of such person's household.

5 Sec. 4. K.S.A. 65-1130 and 65-4101 and K.S.A. 2017 Supp. 65-1113,
6 as amended by section 2 of chapter 42 of the 2018 Session Laws of Kansas
7 are hereby repealed.

8 Sec. 5. This act shall take effect and be in force from and after July 1,
9 2020, and its publication in the statute book.



Larry L. Campbell, Director

Laura Kelly, Governor

January 29, 2019

The Honorable Brenda Landwehr, Chairperson
 House Committee on Health and Human Services
 Statehouse, Room 352-S
 Topeka, Kansas 66612

Dear Representative Landwehr:

SUBJECT: Fiscal Note for HB 2066 by House Committee on Health and Human Services

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2066 is respectfully submitted to your committee.

HB 2066 would amend the Nurse Practice Act. The bill would no longer require Advanced Practice Registered Nurses (APRNs) to establish a collaborative agreement with a responsible physician or have physician oversight of APRN practices. The bill would require proof of national certification for APRN licensure at the time of licensure and licensure renewal and the Board of Nursing would be required to recognize national certifying organizations whose certifications standards are equal to or greater than the corresponding standards established by the Board. The Board would need to include rules and regulations for the federal drug enforcement administration registration and monitor the APRN's compliance with this requirement. APRNs would be able to prescribe medications independently and would need to maintain malpractice insurance coverage at the time of licensure and renewal of licensure. The Board would need to monitor the proof of malpractice insurance.

Estimated State Fiscal Effect				
	FY 2019 SGF	FY 2019 All Funds	FY 2020 SGF	FY 2020 All Funds
Revenue	--	--	--	--
Expenditure	--	--	--	\$31,752
FTE Pos.	--	--	--	--

The Honorable Brenda Landwehr, Chairperson
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According to the Board of Nursing, enactment of HB 2066 would have a fiscal effect on expenditures of the Board. The Board's staff would need to update licensure software for validating national certification, compliance with federal drug enforcement requirements and malpractice insurance. Communication would need to occur with all licensed APRNs and their employers about the change in requirements. Rules and regulations would need updated and research into national certifying organizations requirements would need to be completed. The estimated fiscal effect on expenditures would be \$31,752 for updating software and communication. Any fiscal effect associated with HB 2066 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Campbell", written in a cursive style.

Larry L. Campbell
Director of the Budget

cc: Jill Simons, Board of Nursing