

As Amended by House Committee

Session of 2013

HOUSE BILL No. 2078

By Committee on Veterans, Military and Homeland Security

1-23

1 AN ACT concerning certain licensing boards; relating to licensure and  
2 military service members; amending K.S.A. 2012 Supp. 65-1116 and  
3 65-6129 and repealing the existing sections.

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

6 Section 1. K.S.A. 2012 Supp. 65-1116 is hereby amended to read as  
7 follows: 65-1116. (a) *Qualification.* An applicant for a license to practice  
8 as a licensed practical nurse shall:

9 (1) Have graduated from an approved school of practical nursing or  
10 professional nursing in the United States or its territories or from a school  
11 of practical nursing or professional nursing in a foreign country which is  
12 approved by the board as defined in rules and regulations;

13 (2) have obtained other qualifications not in conflict with this act as  
14 the board may prescribe by rule and regulation; and

15 (3) file with the board a written application for a license.

16 (b) If the board finds in evaluating any applicant that such applicant is  
17 deficient in qualification or in the quality of such applicant's educational  
18 experience, the board may require such applicant to fulfill such remedial  
19 or other requirements as the board may prescribe.

20 (c) *License.* (1) The board shall issue a license to an applicant to  
21 practice as a practical nurse who has:

22 (A) Met the qualifications set forth in subsections (a) and (b);

23 (B) passed a written examination as prescribed by the board; and

24 (C) no disqualifying factors under K.S.A. 65-1120, and amendments  
25 thereto.

26 (2) The board may issue a license to practice nursing as a practical  
27 nurse to an applicant who has been duly licensed as a practical nurse by  
28 examination under the laws of another state or territory if, in the opinion of  
29 the board, the applicant meets the qualifications required of a practical  
30 nurse in this state. Verification of the applicant's licensure status shall be  
31 required from the original state of licensure.

32 (3) *The board may authorize the educational requirement under*  
33 *subsection (a)(1) to be waived for an applicant who has attained a passing*  
34 *score on the national council licensure examination for practical nurses*  
35 *and provided evidence to the board of such applicant's practical nursing*  
36 *experience with the military. To qualify for such a waiver, the applicant*

1 *must have been a member of the army, navy, marine corps, air force, air*  
2 *or army national guard, coast guard or any branch of the military reserves*  
3 *of the United States, and separated from such military service ~~under-~~*  
4 *~~honorable conditions~~ with an honorable discharge. If such applicant*  
5 **was separated from such military service under honorable conditions**  
6 **(general) discharge and meets the requirements of this paragraph, the**  
7 **board may authorize the educational requirements under subsection**  
8 **(a)(1) be waived.**

9 ~~(3)~~(4) *Refresher course.* Notwithstanding the provisions of  
10 subsections (a) and (b), an applicant for a license to practice as a licensed  
11 practical nurse who has not been licensed to practice practical nursing for  
12 five years preceding application shall be required to successfully complete  
13 a refresher course as defined by the board.

14 ~~(4)~~(5) *Renewal license.* A licensed practical nurse licensed under this  
15 act shall be eligible for renewal licenses upon compliance with K.S.A. 65-  
16 1117, and amendments thereto.

17 ~~(5)~~(6) *Licensure examination within 24 months of graduation.* (A)  
18 Persons who do not take the licensure examination within 24 months after  
19 graduation shall petition the board for permission prior to taking the  
20 licensure examination. The board may require the applicant to submit and  
21 complete a plan of study prior to taking the licensure examination.

22 (B) Persons who are unsuccessful in passing the licensure  
23 examination within 24 months after graduation shall petition the board for  
24 permission prior to subsequent attempts. The board may require the  
25 applicant to submit and complete a plan of study prior to taking the  
26 licensure examination a subsequent time. The study plan shall contain  
27 subjects related to deficiencies identified on the failed examination  
28 profiles.

29 ~~(6)~~(7) An application for initial licensure or endorsement will be held  
30 awaiting completion of meeting qualifications for a time period specified  
31 in rules and regulations.

32 (d) *Title and abbreviation.* Any person who holds a license to practice  
33 as a licensed practical nurse in this state shall have the right to use the title,  
34 "licensed practical nurse," and the abbreviation, "L.P.N." No other person  
35 shall assume the title or use the abbreviation or any other words, letters,  
36 signs or figures to indicate that the person is a licensed practical nurse.

37 (e) *Temporary permit.* The board may issue a temporary permit to  
38 practice nursing as a licensed practical nurse for a period not to exceed 120  
39 days. A temporary permit for 120 days may be issued to an applicant for  
40 licensure as a licensed practical nurse who is a graduate of a practical  
41 school of nursing in a foreign country after verification of licensure in that  
42 foreign country and approval of educational credentials.

43 (f) *Exempt license.* The board may issue an exempt license to any

1 licensee as defined in rules and regulations who makes written application  
2 for such license on a form provided by the board, who remits a fee as  
3 established pursuant to K.S.A. 65-1118, and amendments thereto, and who  
4 is not regularly engaged in the practice of practical nursing in Kansas but  
5 volunteers practical nursing service or is a charitable health care provider  
6 as defined by K.S.A. 75-6102, and amendments thereto. Each exempt  
7 licensee shall be subject to all provisions of the nurse practice act, except  
8 as otherwise provided in this subsection (f). Each exempt license may be  
9 renewed biennially subject to the provisions of this section. The holder of  
10 the exempt license shall not be required to submit evidence of satisfactory  
11 completion of a program of continuing nursing education for renewal. To  
12 convert an exempt license to an active license, the exempt licensee shall  
13 meet all the requirements of subsection (c) or K.S.A. 65-1117, and  
14 amendments thereto. The board shall have authority to write rules and  
15 regulations to carry out the provisions of this section.

16 Sec. 2. K.S.A. 2012 Supp. 65-6129 is hereby amended to read as  
17 follows: 65-6129. (a) **(1)** Application for an attendant's certificate shall be  
18 made to the board. The board shall not grant an attendant's certificate  
19 unless the applicant meets the following requirements:

20 ~~(A)~~ **(A) (i)** Has successfully completed coursework required by the  
21 rules and regulations adopted by the board; ~~or~~

22 ~~(B)~~ **(ii)** has successfully completed coursework in another jurisdiction  
23 that is substantially equivalent to that required by the rules and regulations  
24 adopted by the board; *or*

25 ~~(C)~~ **(iii)** *has provided evidence that such applicant holds a current*  
26 *and active certification with the national registry of emergency medical*  
27 *technicians, completed emergency medical technician training as a*  
28 *member of the army, navy, marine corps, air force, air or army national*  
29 *guard, coast guard or any branch of the military reserves of the United*  
30 *States that is substantially equivalent to that required by the rules and*  
31 *regulations adopted by the board, and such applicant separated from such*  
32 *military service under honorable conditions with an honorable*  
33 **discharge;**

34 ~~(2)~~ ~~(A)~~ **(B) (i)** has passed the examination required by the rules and  
35 regulations adopted by the board; *or*

36 ~~(B)~~ **(ii)** has passed the certification or licensing examination in  
37 another jurisdiction that has been approved by the board; *and*

38 ~~(3)~~ **(C)** has paid an application fee required by the rules and  
39 regulations adopted by the board.

40 **(2) The board may grant an attendant's certificate to any**  
41 **applicant who meets the requirements under subsection (a)(1)(A)(iii)**  
42 **but was separated from such military service under honorable**  
43 **conditions (general) discharge if such applicant satisfies the**

1 **requirements under subsections (a)(1)(A)(ii) and (a)(1)(A)(iii).**

2 (b) (1) The board shall not grant a temporary attendant's certificate  
3 unless the applicant meets the following requirements:

4 (A) If the applicant is certified or licensed as an attendant in another  
5 jurisdiction, but the applicant's coursework is determined not to be  
6 substantially equivalent to that required by the board, such temporary  
7 certificate shall be valid for one year from the date of issuance or until the  
8 applicant has completed the required coursework, whichever occurs first;  
9 or

10 (B) if the applicant has completed the required coursework, has taken  
11 the required examination, but has not received the results of the  
12 examination, such temporary certificate shall be valid for 120 days from  
13 the date of the examination.

14 (2) An applicant who has been granted a temporary certificate shall  
15 be under the direct supervision of a physician, a physician's assistant, a  
16 professional nurse or an attendant holding a certificate at the same level or  
17 higher than that of the applicant.

18 (c) The board shall not grant an initial emergency medical technician-  
19 intermediate certificate, advanced emergency medical technician  
20 certificate, mobile intensive care technician certificate or paramedic  
21 certificate as a result of successful course completion in the state of  
22 Kansas, unless the applicant for such an initial certificate is certified as an  
23 emergency medical technician.

24 (d) An attendant's certificate shall expire on the date prescribed by the  
25 board. An attendant's certificate may be renewed for a period of two years  
26 upon payment of a fee as prescribed by rule and regulation of the board  
27 and upon presentation of satisfactory proof that the attendant has  
28 successfully completed continuing education as prescribed by the board.

29 (e) All fees received pursuant to the provisions of this section shall be  
30 remitted to the state treasurer in accordance with the provisions of K.S.A.  
31 75-4215, and amendments thereto. Upon receipt of each such remittance,  
32 the state treasurer shall deposit the entire amount in the state treasury to  
33 the credit of the emergency medical services operating fund established by  
34 K.S.A. 65-6151, and amendments thereto.

35 (f) If a person who was previously certified as an attendant applies  
36 for an attendant's certificate after the certificate's expiration, the board may  
37 grant a certificate without the person completing an initial course of  
38 instruction or passing a certification examination if the person has  
39 completed education requirements and has paid a fee as specified in rules  
40 and regulations adopted by the board.

41 (g) The board shall adopt, through rules and regulations, a formal list  
42 of graduated sanctions for violations of article 61 of chapter 65 of the  
43 Kansas Statutes Annotated, and amendments thereto, which shall specify

1 the number and severity of violations for the imposition of each level of  
2 sanction.

3 Sec. 3. K.S.A. 2012 Supp. 65-1116 and 65-6129 are hereby repealed.

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