

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*

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

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

16 ~~(4)~~(5) *Renewal license.* A licensed practical nurse licensed under this
17 act shall be eligible for renewal licenses upon compliance with K.S.A. 65-
18 1117, and amendments thereto.

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

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

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

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

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

1 foreign country and approval of educational credentials.

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

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

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

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

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

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

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

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

42 **(2) The board may grant an attendant's certificate to any
 43 applicant who meets the requirements under subsection (a)(1)(A)(iii)**

1 **but was separated from such military service under honorable**
2 **conditions (general) discharge ~~if such applicant satisfies the~~**
3 **~~requirements under subsections (a)(1)(A)(ii) and (a)(1)(A)(iii).~~**

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

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

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

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

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

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

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

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

43 (g) The board shall adopt, through rules and regulations, a formal list

1 of graduated sanctions for violations of article 61 of chapter 65 of the
2 Kansas Statutes Annotated, and amendments thereto, which shall specify
3 the number and severity of violations for the imposition of each level of
4 sanction.

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

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