

HOUSE BILL No. 2078

By Committee on Veterans, Military and Homeland Security

1-23

Proposed Amendments for HB 2078
offered by Chairman Goico
For Committee on Veterans, Military and Homeland Security
February 7, 2013
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Office of Revisor of Statutes

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.

; also repealing K.S.A. 74-32,145, 74-32,147, 74-32,148,
74-32,149 and 74-32,150 and K.S.A. 2012 Supp. 74-32,146.

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

New Sections 1 through 6. See appendix.

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:

Sec. 7.

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.*

5 ~~(3)(4)~~ *Refresher course.* Notwithstanding the provisions of
 6 subsections (a) and (b), an applicant for a license to practice as a licensed
 7 practical nurse who has not been licensed to practice practical nursing for
 8 five years preceding application shall be required to successfully complete
 9 a refresher course as defined by the board.

10 ~~(4)(5)~~ *Renewal license.* A licensed practical nurse licensed under this
 11 act shall be eligible for renewal licenses upon compliance with K.S.A. 65-
 12 1117, and amendments thereto.

13 ~~(5)(6)~~ *Licensure examination within 24 months of graduation.* (A)
 14 Persons who do not take the licensure examination within 24 months after
 15 graduation shall petition the board for permission prior to taking the
 16 licensure examination. The board may require the applicant to submit and
 17 complete a plan of study prior to taking the licensure examination.

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

25 ~~(6)(7)~~ An application for initial licensure or endorsement will be held
 26 awaiting completion of meeting qualifications for a time period specified
 27 in rules and regulations.

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

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

39 (f) *Exempt license.* The board may issue an exempt license to any
 40 licensee as defined in rules and regulations who makes written application
 41 for such license on a form provided by the board, who remits a fee as
 42 established pursuant to K.S.A. 65-1118, and amendments thereto, and who
 43 is not regularly engaged in the practice of practical nursing in Kansas but

Insert the following: "with an honorable discharge. If such applicant was separated from such military service under honorable conditions (general) discharge and meets the requirements of this paragraph, the board may authorize the educational requirements under subsection (a)(1) be waived."

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

Sec. 8

12 ~~See~~ 2 K.S.A. 2012 Supp. 65-6129 is hereby amended to read as
 13 follows: 65-6129. (a) Application for an attendant's certificate shall be
 14 made to the board. The board shall not grant an attendant's certificate
 15 unless the applicant meets the following requirements:

Insert the following "(1)"

16 ~~(1)~~ (A) 1 Has successfully completed coursework required by the rules
 17 and regulations adopted by the board; or

Insert the following "(i)"

18 ~~(B)~~ 1 Has successfully completed coursework in another jurisdiction
 19 that is substantially equivalent to that required by the rules and regulations
 20 adopted by the board; or

Insert the following "(ii)"

21 ~~(C)~~ 1 *Has provided evidence that such applicant holds a current and*
 22 *active certification with the national registry of emergency medical*
 23 *technicians, completed emergency medical technician training as a*
 24 *member of the army, navy, marine corps, air force, air or army national*
 25 *guard, coast guard or any branch of the military reserves of the United*
 26 *States that is substantially equivalent to that required by the rules and*
 27 *regulations adopted by the board, and such applicant separated from such*
 28 *military service under honorable conditions;*

Insert the following "(iii)"

Insert the following: "with an honorable discharge."

29 ~~(2)~~ (A) 1 has passed the examination required by the rules and
 30 regulations adopted by the board; or

Insert the following "(B)(i)"

31 ~~(B)~~ 1 has passed the certification or licensing examination in another
 32 jurisdiction that has been approved by the board; and

Insert the following "(ii)"

33 ~~(3)~~ 1 has paid an application fee required by the rules and regulations
 34 adopted by the board.

Insert the following "(C)"

35 1 (b) (1) The board shall not grant a temporary attendant's certificate
 36 unless the applicant meets the following requirements:

Insert the following: "(2) The board may grant an attendant's certificate to any applicant who meets the requirements under subsection (a)(1)(A)(iii) but was separated from such military service under honorable conditions (general) discharge if such applicant satisfies the requirements under subsections (a)(1)(ii) and (a)(1)(iii)."

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

43 (B) if the applicant has completed the required coursework, has taken

1 the required examination, but has not received the results of the
2 examination, such temporary certificate shall be valid for 120 days from
3 the date of the examination.

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

8 (c) The board shall not grant an initial emergency medical technician-
9 intermediate certificate, advanced emergency medical technician
10 certificate, mobile intensive care technician certificate or paramedic
11 certificate as a result of successful course completion in the state of
12 Kansas, unless the applicant for such an initial certificate is certified as an
13 emergency medical technician.

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

19 (e) All fees received pursuant to the provisions of this section shall be
20 remitted to the state treasurer in accordance with the provisions of K.S.A.
21 75-4215, and amendments thereto. Upon receipt of each such remittance,
22 the state treasurer shall deposit the entire amount in the state treasury to
23 the credit of the emergency medical services operating fund established by
24 K.S.A. 65-6151, and amendments thereto.

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

31 (g) The board shall adopt, through rules and regulations, a formal list
32 of graduated sanctions for violations of article 61 of chapter 65 of the
33 Kansas Statutes Annotated, and amendments thereto, which shall specify
34 the number and severity of violations for the imposition of each level of
35 sanction.

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

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

K.S.A. 74-32,145, 74-32,147, 74-32,148,
74-32,149 and 74-32,150 and

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and 74-32,146

APPENDIX

New Section 1. (a) Sections 1 through 6, and amendments thereto, shall be known and may be cited as the Kansas national guard educational assistance act. It is the purpose of the Kansas national guard educational assistance act to establish an educational assistance program under which payment of the tuition and fees charged eligible members of the Kansas national guard for enrollment at Kansas educational institutions shall be provided for by the state.

(b) This section shall be part of and supplemental to chapter 48 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 2. (a) As used in the Kansas national guard educational assistance act:

- (1) "Kansas educational institution" means and includes community colleges, the municipal university, state educational institutions, technical colleges, the institute of technology at Washburn university and accredited independent institutions.
- (2) "Eligible guard member" means a newly enlisted or reenlisted member of the Kansas national guard with not more than 20 years of service and who is enrolled at a Kansas educational institution. The term "eligible guard member" does not include within its meaning any member of the Kansas national guard who is the holder of a baccalaureate or higher academic degree, who does not hold a high school diploma or general educational development (GED) credentials, or who is entitled to federal educational benefits earned by membership in the Kansas national guard, except federal tuition assistance for members of the selected reserve.
- (3) "Kansas national guard educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas national guard educational assistance act.
- (4) "Educational program" means a program which is offered and maintained by a Kansas educational institution and leads to the award of a certificate, diploma or degree upon satisfactory completion of course work requirements.
- (b) This section shall be part of and supplemental to chapter 48 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 3. (a) The state board of regents shall adopt rules and regulations for administration of the Kansas national guard educational assistance act and shall:

- (1) Establish a mechanism to ensure distribution of funds for tuition and fee reimbursement to Kansas educational institutions;
- (2) enter into a cooperative relationship with the adjutant general to ensure efficient operation of the program;
- (3) develop and effectuate a system of accountability for all disbursements under the program and provide written reports as prescribed; and
- (4) coordinate with the adjutant general a procedure to ensure initial and on-going eligibility of all guard members who are program participants.
- (b) This section shall be part of and supplemental to chapter 48 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 4. (a) Subject to the availability of appropriations for the Kansas national guard educational assistance program and within the limits of any such appropriations, every eligible guard member who is enrolled at a Kansas educational institution and who is participating in the program shall be paid the amount of tuition and required fees charged by the Kansas educational institution for enrollment in courses necessary to satisfy the requirements of an educational program.

(b) Notwithstanding the provisions of subsection (a), eligible guard members shall not be paid the amount of tuition and required fees charged for any course repeated or taken in excess of the requirements for completion of the educational program in which the eligible guard member is enrolled. The amount of tuition and required fees paid an eligible guard member pursuant to subsection (a) shall be at a rate not to exceed the maximum rate that would be charged by the state educational institutions for enrollment of the eligible guard member.

(c) Amounts of assistance for which an eligible guard member is eligible to receive under this act shall be offset by the aggregate amount of federal financial assistance received by such guard member, as a result of active national guard membership, to pay costs of tuition and fees for enrollment at Kansas educational institutions.

(d) This section shall be part of and supplemental to chapter 48 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 5. (a) In order to qualify for participation in the Kansas national guard educational assistance program, an eligible guard member must agree in writing to complete such member's current service obligation in the Kansas national guard, plus three months service for each semester, or part thereof, of assistance received.

(b) In order to remain eligible for participation in the program, an eligible guard member must remain in good standing at the Kansas educational institution where enrolled, make satisfactory progress toward completion of the requirements of the educational program in which enrolled, and maintain satisfactory participation in the Kansas national guard. It shall be the responsibility of the eligible guard member to obtain a certificate from the member's commanding officer attesting to the member's satisfactory participation in the Kansas national guard and to present the certificate to the educational institution, in order to obtain a payment under this act. The certificate shall be presented at the time payment is requested for completed courses.

(c) Upon failure of any person, who as an eligible guard member received payments under the Kansas national guard educational assistance act, to satisfy the agreement to continue service in the Kansas national guard as provided by subsection (a), such person shall pay to the state of Kansas an amount equal to the total amount received. All amounts paid to the state under this subsection shall be deposited in the state treasury and credited to the Kansas national guard educational assistance program repayment fund created by section 6, and amendments thereto.

(d) This section shall be part of and supplemental to chapter 48 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 6 (a) There is hereby created in the state treasury the Kansas national guard educational assistance program repayment fund. The state board of regents shall remit all moneys received under section 5, and amendments thereto, to the state treasurer at least monthly. Upon receipt of each such remittance the state treasurer shall deposit the entire amount thereof in the state treasury, and such amount shall be credited to the Kansas national guard educational assistance program repayment fund. All expenditures from the Kansas national guard educational assistance program repayment fund shall be for payments of assistance under the Kansas national guard educational assistance act, and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive officer of the state board of regents or a person designated by the executive officer.

(b) This section shall be part of and supplemental to chapter 48 of the Kansas Statutes Annotated, and amendments thereto.