HOUSE BILL No. 2078

By Committee on Veterans, Military and Homeland Security

AN ACT concerning certain licensing boards; relating to licensure and military service members; amending K.S.A. 2012 Supp. {48-3406,} 65-1116 and 65-6129 and repealing the existing sections.

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

{New Section 1.} (a) For the purposes of this section:
(1) "Applicant" means a person who entered into military service and separated from such military service with an honorable discharge or a general discharge under honorable conditions;
(2) "licensing body" has the meaning ascribed thereto in K.S.A. 74-146, and amendments thereto; and
(3) "military service" means the army, navy, marine corps, air force, air or army national guard of any state, coast guard or any branch of the military reserves of the United States.

(b) (1) Notwithstanding any other provision of law, upon presentation of complete application by an applicant with an honorable discharge for certification or licensure, a licensing body shall accept education, training or service completed in military service by the applicant towards any educational requirements for certification or licensure in this state if the applicant demonstrates to the satisfaction of the licensing body that such education, training or service obtained is substantially equivalent to the existing educational requirements of such licensure or certification. No education, training or service shall count towards any examination requirements unless such licensing body has provided a waiver for such requirement. The licensing body may require the applicant to provide documentation of such education, training or service as deemed necessary by the licensing body to determine substantial equivalency.
(2) A licensing board under this section may accept education, training or service completed in military service towards any educational requirements for certification or licensure in this state if a person applicant was separated from military service with a general discharge.
under honorable conditions.

(c) Each licensing body may adopt rules and regulations necessary to implement and carry out the provisions of this section.

(d) This section shall not apply to the practice of law or the regulation of attorneys pursuant to K.S.A. 7-103, and amendments thereto.

Sec. 2. K.S.A. 2012 Supp. 48-3406 is hereby amended to read as follows: 48-3406. (a) For the purposes of this section:

(1) "Licensing body" has the meaning ascribed thereto in K.S.A. 74-146, and amendments thereto;

(2) "military service" means the army, navy, marine corps, air force, air or army national guard of any state, coast guard or any branch of the military reserves of the United States;

(3) "military service member" means a member who entered into military service and separated from such military service with an honorable discharge or a general discharge under honorable conditions; and

(4) "military spouse" means the spouse of an individual who is currently in active service in any branch of the armed forces of the United States.

(b) Notwithstanding any other provision of law, any licensing body, as defined by K.S.A. 74-146, and amendments thereto, shall:

(1) Upon submission of a completed application, issue a license to a nonresident military spouse, so that the nonresident military spouse may lawfully practice the person's occupation; and

(2) upon submission of a complete application within six months following release from military service, issue a license to a military service member with an honorable discharge so that the military service member may lawfully practice the person's occupation.

(b) (c) A military service member with an honorable discharge or nonresident military spouse shall receive a license under subsection (a) of this section:

(1) Pursuant to applicable licensure by endorsement, reinstatement or reciprocity statutes of the licensing body of this state for the profession license; or

(2) if the professional practice act does not have licensure by endorsement, reinstatement or reciprocity statutes, then, at the time of application, the military service member or nonresident military spouse:

(A) Holds a current license in another state, district or territory of the United States with licensure requirements that the licensing body determines are equivalent to those established by the licensing body of this state;

(B) has not committed an act in any jurisdiction that would have
constituted grounds for the limitation, suspension or revocation or that
the applicant has never been censured or had other disciplinary action
taken or had an application for licensure denied or refused to practice
an occupation for which the military service member or nonresident
military spouse seeks licensure;
(C) has not been disciplined by a licensing or credentialing entity in
another jurisdiction and is not the subject of an unresolved complaint,
review procedure or disciplinary proceeding conducted by a licensing or
credentialing entity in another jurisdiction nor has surrendered their
membership on any professional staff in any professional association or
society or faculty for another state or licensing jurisdiction while under
investigation or to avoid adverse action for acts or conduct similar to
acts or conduct which would constitute grounds for disciplinary action
in a Kansas practice act;
(D) pays any fees required by the licensing body of this state; and
(E) submits with the application a signed affidavit stating that the
application information, including necessary prior employment history,
is true and accurate. Upon receiving such affidavit, the licensing body
shall issue the license to the military service member or nonresident
military spouse on a probationary basis, but may revoke the license at
any time if the information provided in the application is found to be
false. Any probationary license issued under this section to a military
service member or nonresident military spouse shall not exceed three
months.
(e) Any person who has not been in the active practice of the
occupation during the two years preceding the application for which the
applicant seeks a license may be required to complete such additional
testing, training, mentoring, monitoring or education as the Kansas
licensing body may deem necessary to establish the applicant's present
ability to practice with reasonable skill and safety.
(d) A nonresident military spouse licensed under this section
shall be entitled to the same rights and subject to the same obligations as
are provided by the licensing body for Kansas residents, except that
revocation or suspension of a nonresident military spouse's license in
the nonresident military spouse's state of residence or any jurisdiction in
which the nonresident military spouse held licensure shall automatically
cause the same revocation or suspension of such nonresident military
spouse's license in Kansas. No hearing shall be granted to a nonresident
licensee where the license is subject to such automatic revocation or
suspension except for the purpose of establishing the fact of revocation
or suspension of the nonresident military spouse's license by the
nonresident military spouse's state of residence.
(e) For the purposes of this section, "military spouse" means the-
spouse of an individual who is currently in active service in any branch of
the armed forces of the United States.

(f) In the event the licensing body determines that the license
currently held by the military service member under subsection (c)(2)(A)
is not equivalent to those issued by the licensing body of this state, the
licensing body may issue a temporary permit for a limited period of time
to allow the military service member to lawfully practice the person's
occupation while completing any specific requirements that are required
in this state for licensure that were not required in the state, district or
territory of the United States in which the military service member was
licensed or certified.

(g) A licensing board may grant certification, licensure or a
temporary permit to any person who meets the requirements under this
section but was separated from such military service with a general
discharge under honorable conditions.

(h) Each licensing body may adopt rules and regulations necessary
to implement and carry out the provisions of this section.

(i) This section shall not apply to the practice of law or the
regulation of attorneys pursuant to K.S.A 7-103, and amendments
thereto.

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

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

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

3. file with the board a written application for a license.

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

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

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

B. passed a written examination as prescribed by the board; and

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

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

(3) The board may authorize the educational requirement under
subsection (a)(1) to be waived for an applicant who has attained a passing
score on the national council licensure examination for practical nurses
and provided evidence to the board of such applicant's practical nursing
experience with the military. To qualify for such a waiver, the applicant
must have been a member of the army, navy, marine corps, air force, air
or army national guard, coast guard or any branch of the military reserves
of the United States, and separated from such military service under-
honorable conditions 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.

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

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

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

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

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

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

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

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

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

(i) Has successfully completed coursework required by the rules and regulations adopted by the board; or

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

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

(A) (i) has passed the examination required by the rules and regulations adopted by the board; or
(H) (ii) has passed the certification or licensing examination in another jurisdiction that has been approved by the board; and

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

(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)(A)(ii) and (a)(1)(A)(iii).

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

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

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

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

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

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

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

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

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

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

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