AN ACT concerning advanced practice registered nurses; amending K.S.A. 2014 Supp. 65-1113 and 65-1130 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 act, the board of nursing and the board of healing arts shall jointly adopt rules and regulations relating to the role of advanced practice registered nurses including such conditions, limitations and restrictions that the boards determine to be necessary to protect the public health and safety, and to protect the public from advanced practice registered nurses performing functions and procedures for which they lack adequate education, training and qualifications. Such rules and regulations shall include the authority to prescribe medications, sign for and order tests and treatments, and perform other delegated medical acts and functions, and shall specify those services or clinical settings which shall require a collaborative practice agreement or protocol with a physician. In such cases, the scope of authority of the advanced practice registered nurse shall be within and consistent with the normal and customary specialty, practice and competence of any collaborating, delegating or supervising physician.

(b) In developing the rules and regulations defining the role of the advanced practice registered nurse, the boards shall consider:

1. The different practice and clinical settings in which advanced practice registered nurses function, and the differing degrees of collaboration, direction or supervision appropriate for such settings;
2. The education required for licensure as an advanced practice registered nurse;
3. The type of nursing practice and preparation in specialized advanced practice skills involved in each role of the advanced practice registered nurse established by the board;
4. The scope and limitations of advanced practice nursing prescribed by national advanced practice organizations; and
5. Acts recognized by the nursing profession as appropriate to be performed by persons with post basic education in nursing.

(c) Subject to the provisions of subsection (a), the rules and regulations adopted pursuant to this section shall:
(1) Establish roles and identify titles and abbreviations of advanced practice registered nurses which are consistent with nursing practice specialties recognized by the nursing profession; and

(2) establish education and qualifications necessary for licensure for each role of advanced practice registered nurse established by the board at a level adequate to assure the competent performance by advanced practice registered nurses of functions and procedures which advanced practice registered nurses are authorized to perform. Advanced practice registered nursing is based on knowledge and skills acquired in basic nursing education, licensure as a registered nurse and graduation from or completion of a master's or higher degree in one of the advanced practice registered nurse roles approved by the board of nursing.

(d) The board of nursing and the state board of healing arts shall constitute a joint adopting authority for the purpose of adopting rules and regulations as provided in this section. On and before July 1, 2016, rules and regulations adopted under this section shall be to implement the provisions of K.S.A. 2014 Supp. 65-1130, as that section will be amended on July 1, 2016, by section 4 of this act even though such section will not be effective until July 1, 2016, and such rules and regulations shall become effective on July 1, 2016. On and after July 1, 2016, rules and regulations adopted by the joint adopting authority under this section shall apply as provided in this section.

(e) The joint adopting authority shall provide, on or before January 15, 2016, a report to the senate committee on public health and welfare and to the house committee on health and human services concerning the progress made toward adopting rules and regulations under this section which report shall include a copy of the rules and regulations which have been developed.

New Sec. 2. (a) For the purposes of assisting the board of nursing and board of healing arts to develop the rules and regulations required to be adopted jointly under section 1, and amendments thereto, there is hereby established a joint APRN advisory committee, which shall be attached to the board of nursing. The committee shall be advisory to the boards of nursing and healing arts on matters relating to APRN licensure, regulation and practice and shall assist with the development of regulations which define the role of advanced practice registered nurses and establish limitations and restrictions on such role.

(b) The joint committee shall be composed of six members. Three members shall be appointed by the board of nursing, and three members shall be appointed by the board of healing arts. All appointees of the board of nursing must hold a license as an advanced practice registered nurse and be actively engaged in advanced practice nursing. All appointees of the board of healing arts must hold a license to practice medicine and surgery.
and be actively engaged in the practice of medicine and surgery. One
member appointed by the board of nursing must be a member of that
board, and one member appointed by the board of healing arts must be a
member of that board. In appointing their remaining representatives on the
joint committee, the boards shall consider any names submitted by the
respective professional associations.

(c) All members shall serve at the pleasure of the appointing board,
and any vacancies shall be filled by the respective appointing boards.
During odd-numbered years, the member of the joint committee who is a
member of the board of nursing shall serve as chairperson, and during
even-numbered years, the member of the joint committee who is a member
of the board of healing arts shall serve as chairperson. A quorum of the
joint committee shall be four, and all actions of the committee shall be
taken by a majority of those present when there is a quorum.

(d) The joint committee shall meet within the state on the call of the
chairperson or as requested by the two appointing boards.

(e) Members of the joint committee shall receive from their
appointing board amounts as provided in K.S.A. 75-3223(e), and
amendments thereto, when attending meetings of the committee. The
expenses of the committee shall be shared equally by the board of nursing
and the board of healing arts.

Sec. 3. On and after July 1, 2016, K.S.A. 2014 Supp. 65-1113 is
hereby amended to read as follows: 65-1113. When used in this act and the
act of which this section is amendatory:

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

(b) "Diagnosis" in the context of nursing practice means that
identification of and discrimination between physical and psychosocial
signs and symptoms essential to effective execution and management of
the nursing regimen and shall be construed as distinct from a medical
diagnosis.

(c) "Treatment" means the selection and performance of those
therapeutic measures essential to effective execution and management of
the nursing regimen, and any prescribed medical regimen.

(d) Practice of nursing. (1) The practice of professional nursing as
performed by a registered professional nurse for compensation or
gratuitously, except as permitted by K.S.A. 65-1124, and amendments
thereto, means the process in which substantial specialized knowledge
derived from the biological, physical, and behavioral sciences is applied
to: the care, diagnosis, treatment, counsel and health teaching of persons
who are experiencing changes in the normal health processes or who
require assistance in the maintenance of health or the prevention or
management of illness, injury or infirmity; administration, supervision or
teaching of the process as defined in this section; and the execution of the
medical regimen as prescribed by a person licensed to practice medicine
and surgery or a person licensed to practice dentistry. (2) The practice of
nursing as a licensed practical nurse means the performance for
compensation or gratuitously, except as permitted by K.S.A. 65-1124, and
any amendments thereto, of tasks and responsibilities defined in part (1) of
this subsection (d)/(1) which tasks and responsibilities are based on
acceptable educational preparation within the framework of supportive and
restorative care under the direction of a registered professional nurse, a
person licensed to practice medicine and surgery or a person licensed to
practice dentistry.

(e) A "professional nurse" means a person who is licensed to practice
professional nursing as defined in part (1) of subsection (d)/(1) of this
section.

(f) A "practical nurse" means a person who is licensed to practice
practical nursing as defined in part (2) of subsection (d)/(2) of this section.

(g) "Advanced practice registered nurse" or "APRN" means a
professional nurse who holds a license from the board to function as a
professional nurse in an advanced role by virtue of additional knowledge
and skills gained through a formal advanced practice education program
of nursing in a specialty area, and this advanced role shall be defined by
rules and regulations which are jointly adopted by the board of nursing
and the board of healing arts in accordance with section 1, and
amendments thereto, and K.S.A. 65-1130, and amendments thereto.

(h) "Joint adopting authority" means the state board of nursing and
the state board of healing arts as specified in section 1, and amendments
thereto.

Sec. 4. On and after July 1, 2016, K.S.A. 2014 Supp. 65-1130 is
hereby amended to read as follows: 65-1130. (a) No professional nurse
shall announce or represent to the public that such person is an advanced
practice registered nurse unless such professional nurse has complied with
requirements established by the board pursuant to law and holds a valid
license as an advanced practice registered nurse in accordance with the
provisions of this section.

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

(c) The board shall adopt rules and regulations applicable to advanced
practice registered nurses which:

(1) Establish roles and identify titles and abbreviations of advanced-
practice-registered nurses which are consistent with nursing practice-specialties recognized by the nursing profession.

(2) Establish education and qualifications necessary for licensure for each role of advanced practice registered nurse established by the board at a level adequate to assure the competent performance by advanced-practice registered nurses of functions and procedures which advanced-practice registered nurses are authorized to perform. Advanced practice-registered nursing is based on knowledge and skills acquired in basic-nursing education, licensure as a registered nurse and graduation from or completion of a master’s or higher degree in one of the advanced practice-registered nurse roles approved by the board of nursing.

(3) Define the role of advanced practice registered nurses and establish limitations and restrictions on such role. The board shall adopt a definition of the role under this subsection (c)(3) which is consistent with the education and qualifications required to obtain a license as an advanced-practice registered nurse, which protects the public from persons performing functions and procedures as advanced-practice registered nurses for which they lack adequate education and qualifications and which authorizes advanced practice registered nurses to perform acts generally recognized by the profession of nursing as capable of being performed, in a manner consistent with the public health and safety, by persons with postbasic education in nursing. In defining such role the board shall consider: (A) The education required for a licensure as an advanced practice registered nurse; (B) the type of nursing practice and preparation in specialized advanced practice skills involved in each role of advanced practice registered nurse established by the board; (C) the scope and limitations of advanced practice nursing prescribed by national advanced practice organizations; and (D) acts recognized by the nursing profession as appropriate to be performed by persons with postbasic education in nursing.

(d) An advanced practice registered nurse may prescribe drugs pursuant to a written protocol as authorized by a responsible physician. Each written protocol shall contain a precise and detailed medical plan of care for each classification of disease or injury for which the advanced practice registered nurse is authorized to prescribe and shall specify all drugs which may be prescribed by the advanced practice registered nurse. Any written prescription order shall include the name, address and telephone number of the responsible physician pursuant to the rules and regulations adopted by the joint adopting authority. The advanced practice registered nurse may not dispense drugs, but may request, receive and sign for professional samples and may distribute professional samples to patients pursuant to a written protocol as authorized by a responsible physician. In order to prescribe controlled substances, the advanced
practice registered nurse shall—(1) register with the federal drug
enforcement administration; and (2) notify the board of the name and
address of the responsible physician or physicians. In no case shall the
scope of authority of the advanced practice registered nurse exceed the
normal and customary practice of the responsible physician. An advanced
practice registered nurse certified in the role of registered nurse anesthetist
while functioning as a registered nurse anesthetist under K.S.A. 65-1151 to
65-1164, inclusive, and amendments thereto, shall be subject to the
provisions of K.S.A. 65-1151 to 65-1164, inclusive, and amendments
thereto, with respect to drugs and anesthetic agents and shall not be subject
to the provisions of this subsection. For the purposes of this subsection,
"responsible physician" means a person licensed to practice medicine and
surgery in Kansas who has accepted responsibility for the protocol and the
actions of the advanced practice registered nurse when prescribing drugs.

(e)(d) As used in this section, "drug" means those articles and
substances defined as drugs in K.S.A. 65-1626 and 65-4101, and
amendments thereto.

(f)(e) A person registered licensed to practice as an advanced
registered nurse practitioner in the state of Kansas immediately prior to the
effective date of this act July 1, 2016, shall be deemed to be licensed to
practice as an advanced practice registered nurse under this act and such
person shall not be required to file an original application for licensure
under this act. Any application for registration filed which has not been
granted prior to the effective date of this act July 1, 2016, shall be
processed as an application for licensure under this act.

(f) All rules and regulations of the board in effect prior to July 1, 2016, which were adopted under this section and are applicable to
advanced practice registered nurses shall continue to be effective until
revised, amended, revoked or nullified pursuant to law.

Sec. 5. On July 1, 2016, K.S.A. 2014 Supp. 65-1113 and 65-1130 are
hereby repealed.

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