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

New Section 1. This act section shall be known as the nurse licensure compact.

Nurse Licensure Compact

ARTICLE I

FINDINGS AND DECLARATION OF PURPOSE

(a) The legislature of the state of Kansas finds that:

1. The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;

2. Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;

3. The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;

4. New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;

5. The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for both nurses and states; and

6. Uniformity of nurse licensure requirements among the states promotes public safety and public health benefits.

(b) The general purposes of this compact are to:

1. Facilitate the states' responsibility to protect the public's health and safety;

2. Ensure and encourage the cooperation of party states in the areas
of nurse licensure and regulation;
(3) facilitate the exchange of information among party states in the
areas of nurse regulation, investigation and adverse actions;
(4) promote compliance with the laws governing the practice of
nursing in each jurisdiction;
(5) invest all party states with the authority to hold a nurse
accountable for meeting all state practice laws in the state in which the
patient is located at the time care is rendered through the mutual
recognition of party-state licenses;
(6) decrease redundancies in the consideration and issuance of nurse
licenses; and
(7) provide opportunities for interstate practice by nurses who meet
uniform licensure requirements.

ARTICLE II
DEFINITIONS
As used in this compact:
(a) "Adverse action" means any administrative, civil, equitable or
criminal action permitted by a state's laws which is imposed by a licensing
board or other authority against a nurse, including actions against an
individual's license or multistate licensure privilege, such as revocation,
suspension, probation, monitoring of the licensee, limitation on the
licensee's practice, or any other encumbrance on licensure affecting a
nurse's authorization to practice, including issuance of a cease and desist
action.
(b) "Alternative program" means a nondisciplinary monitoring
program approved by a licensing board.
(c) "Commission" means the interstate commission of nurse licensure
compact administrators.
(d) "Coordinated licensure information system" means an integrated
process for collecting, storing and sharing information on nurse licensure
and enforcement activities related to nurse licensure laws that is
administered by a nonprofit organization composed of and controlled by
licensing boards.
(e) "Current significant investigative information" means:
(1) Investigative information that a licensing board, after a
preliminary inquiry that includes notification and an opportunity for the
nurse to respond, if required by state law, has reason to believe is not
groundless and, if proved true, would indicate more than a minor
infraction; or
(2) investigative information that indicates that the nurse represents
an immediate threat to public health and safety, regardless of whether the
nurse has been notified and had an opportunity to respond.
(f) "Encumbrance" means a revocation or suspension of, or any
limitation on, the full and unrestricted practice of nursing imposed by a licensing board.

(g) "Home state" means the party state that is the nurse's primary state of residence.

(h) "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.

(i) "LPN/VN" means a licensed practical/vocational nurse.

(j) "Multistate license" means a license to practice as a registered or a licensed practical/vocational nurse (LPN/VN) issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege.

(k) "Multistate licensure privilege" means a legal authorization associated with a multistate license permitting the practice of nursing as either a registered nurse (RN) or LPN/VN in a remote state.

(l) "Nurse" means RN or LPN/VN, as those terms are defined by each party state's practice laws.

(m) "Party state" means any state that has adopted this compact.

(n) "Remote state" means a party state, other than the home state.

(o) "RN" means a registered nurse.

(p) "Single-state license" means a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.

(q) "State" means a state, territory or possession of the United States and the District of Columbia.

(r) "State practice laws" means a party state's laws, rules and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. State practice laws do not include requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

ARTICLE III
GENERAL PROVISIONS AND JURISDICTION

(a) A multistate license to practice registered or licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a nurse to practice as an RN or as an LPN/VN, under a multistate licensure privilege, in each party state.

(b) A state must implement procedures for considering the criminal history records of applicants for an initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records.
(c) Each party state shall require the following for an applicant to obtain or retain a multistate license in the home state:

(1) Has met the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws;

(2) (A) has graduated or is eligible to graduate from a licensing board-approved RN or LPN/VN prelicensure education program; or

(B) has graduated from a foreign RN or LPN/VN prelicensure education program that: (i) Has been approved by the authorized accrediting body in the applicable country; and (ii) has been verified by an independent credentials review agency to be comparable to a licensing board-approved prelicensure education program;

(3) has, if a graduate of a foreign prelicensure education program, not taught in English or, if English is not the individual's native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing and listening;

(4) has successfully passed an NCLEX-RN or NCLEX-PN examination or recognized predecessor, as applicable;

(5) is eligible for or holds an active unencumbered license;

(6) has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the federal bureau of investigation and the Kansas bureau of investigation;

(7) has not been convicted or found guilty or has entered into an agreed disposition of a felony offense under applicable state or federal criminal law;

(8) has not been convicted or found guilty or has entered into an agreed disposition of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;

(9) is not currently enrolled in an alternative program;

(10) is subject to self-disclosure requirements regarding current participation in an alternative program; and

(11) has a valid United States social security number.

(d) All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege, such as revocation, suspension, probation or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

(e) A nurse practicing in a party state must comply with the state practice laws of the state in which the client is located at the time service is
provided. The practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of the party state in which the client is located. The practice of nursing in a party state under a multistate licensure privilege will subject a nurse to the jurisdiction of the licensing board, the courts and the laws of the party state in which the client is located at the time service is provided.

(f) Individuals not residing in a party state shall continue to be able to apply for a party state's single-state license as provided under the laws of each party state. However, the single-state license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state. Nothing in this compact shall affect the requirements established by a party state for the issuance of a single-state license.

(g) Any nurse holding a home state multistate license on the effective date of this compact may retain and renew the multistate license issued by the nurse's then-current home state, provided that:

(1) A nurse who changes such nurse's primary state of residence after this compact's effective date must meet all applicable article III(c) requirements to obtain a multistate license from a new home state.

(2) A nurse who fails to satisfy the multistate licensure requirements in article III(c) due to a disqualifying event occurring after this compact's effective date shall be ineligible to retain or renew a multistate license, and the nurse's multistate license shall be revoked or deactivated in accordance with applicable rules adopted by the commission.

ARTICLE IV
APPLICATIONS FOR LICENSURE IN A PARTY STATE

(a) Upon application for a multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant and whether the applicant is currently participating in an alternative program.

(b) A nurse may hold a multistate license, issued by the home state, in only one party state at a time.

(c) If a nurse changes primary state of residence by moving between two party states, the nurse must apply for licensure in the new home state, and the multistate license issued by the prior home state will be deactivated in accordance with applicable rules adopted by the commission.

(1) The nurse may apply for licensure in advance of a change in primary state of residence.
(2) A multistate license shall not be issued by the new home state until the nurse provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state.

(d) If a nurse changes primary state of residence by moving from a party state to a nonparty state, the multistate license issued by the prior home state will convert to a single-state license, valid only in the former home state.

ARTICLE V
ADDITIONAL AUTHORITIES INVESTED IN PARTY-STATE LICENSING BOARDS

(a) In addition to the other powers conferred by state law, a licensing board shall have the authority to:

(1) Take adverse action against a nurse's multistate licensure privilege to practice within that party state:
   (A) Only the home state shall have the power to take adverse action against a nurse's license issued by the home state; and
   (B) for purposes of taking adverse action, the home-state licensing board shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action;

(2) issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state;

(3) complete any pending investigations of a nurse who changes primary state of residence during the course of such investigations. The licensing board shall also have the authority to take appropriate actions and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions;

(4) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located;

(5) obtain and submit, for each nurse licensure applicant, fingerprint or other biometric-based information to the federal bureau of investigation
for criminal background checks, receive the results of the federal bureau of
investigation record search on criminal background checks and use the
results in making licensure decisions;

(6) if otherwise permitted by state law, recover from the affected
nurse the costs of investigations and disposition of cases resulting from
any adverse action taken against that nurse; and

(7) take adverse action based on the factual findings of the remote
state, provided that the licensing board follows its own procedures for
taking such adverse action.

(b) If adverse action is taken by the home state against a nurse's
multistate license, the nurse's multistate licensure privilege to practice in
all other party states shall be deactivated until all encumbrances have been
removed from the multistate license. All home-state disciplinary orders
that impose adverse action against a nurse's multistate license shall include
a statement that the nurse's multistate licensure privilege is deactivated in
all party states during the pendency of the order.

(c) Nothing in this compact shall override a party state's decision that
participation in an alternative program may be used in lieu of adverse
action. The home-state licensing board shall deactivate the multistate
licensure privilege under the multistate license of any nurse for the
duration of the nurse's participation in an alternative program.

ARTICLE VI
COORDINATED LICENSURE INFORMATION
SYSTEM AND EXCHANGE OF INFORMATION

(a) All party states shall participate in a coordinated licensure
information system of all licensed RNs and LPNs/VNs. This system will
include information on the licensure and disciplinary history of each nurse,
as submitted by party states, to assist in the coordination of nurse licensure
and enforcement efforts.

(b) The commission, in consultation with the administrator of the
coordinated licensure information system, shall formulate necessary and
proper procedures for the identification, collection and exchange of
information under this compact.

(c) All licensing boards shall promptly report to the coordinated
licensure information system any adverse action, any current significant
investigative information, denials of applications, with the reasons for such
denials, and nurse participation in alternative programs known to the
licensing board regardless of whether such participation is deemed
nonpublic or confidential under state law.

(d) Current significant investigative information and participation in
nonpublic or confidential alternative programs shall be transmitted through
the coordinated licensure information system only to party-state licensing
boards.
(e) Notwithstanding any other provision of law, all party-state licensing boards contributing information to the coordinated licensure information system may designate information, which may not be shared with non-party states or disclosed to other entities or individuals without the express permission of the contributing state.

(f) Any personally identifiable information obtained from the coordinated licensure information system by a party-state licensing board shall not be shared with non-party states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

(g) Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

(h) The compact administrator of each party state shall furnish a uniform data set to the compact administrator of each other party state, which shall include, at a minimum:

(1) Identifying information;
(2) licensure data;
(3) information related to alternative program participation; and
(4) other information that may facilitate the administration of this compact, as determined by commission rules.

(i) The compact administrator of a party state shall provide all investigative documents and information requested by another party state.

ARTICLE VII
ESTABLISHMENT OF THE INTERSTATE COMMISSION OF NURSE LICENSURE COMPACT ADMINISTRATORS

(a) The party states hereby create and establish a joint public entity known as the interstate commission of nurse licensure compact administrators.

(1) The commission is an instrumentality of the party states.
(2) Venue is proper, and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, voting and meetings:

(1) Each party-state shall have and be limited to one administrator. The head of the state licensing board or designee shall be the administrator of this compact for each party state. Any administrator may be removed or
suspended from office as provided by the laws of the state from which the
administrator is appointed. Any vacancy occurring in the commission shall
be filled in accordance with the laws of the party state in which the
vacancy exists.

(2) Each administrator shall be entitled to one vote with regard to the
promulgation of rules and creation of bylaws and shall otherwise have an
opportunity to participate in the business and affairs of the commission. An
administrator shall vote in person or by such other means as provided in
the bylaws. The bylaws may provide for an administrator's participation in
meetings by telephone or other means of communication.

(3) The commission shall meet at least once during each calendar
year. Additional meetings shall be held as set forth in the bylaws or rules
of the commission.

(4) All meetings shall be open to the public, and public notice of
meetings shall be given in the same manner as required under the
rulemaking provisions in article VIII of this compact.

(5) The commission may convene in a closed, nonpublic meeting if
the commission must discuss:
(A) Noncompliance of a party state with its obligations under this
compact;
(B) the employment, compensation, discipline or other personnel
matters, practices or procedures related to specific employees or other
matters related to the commission's internal personnel practices and
procedures;
(C) current, threatened or reasonably anticipated litigation;
(D) negotiation of contracts for the purchase or sale of goods,
services or real estate;
(E) accusing any person of a crime or formally censuring any person;
(F) disclosure of trade secrets or commercial or financial information
that is privileged or confidential;
(G) disclosure of information of a personal nature where disclosure
would constitute a clearly unwarranted invasion of personal privacy;
(H) disclosure of investigatory records compiled for law enforcement
purposes;
(I) disclosure of information related to any reports prepared by or on
behalf of the commission for the purpose of investigation of compliance
with this compact; or
(J) matters specifically exempted from disclosure by federal or state
statute.

(6) If a meeting, or portion of a meeting, is closed pursuant to this
 provision, the commission's legal counsel or designee shall certify that the
 meeting may be closed and shall reference each relevant exempting
 provision. The commission shall keep minutes that fully and clearly
describe all matters discussed in a meeting and shall provide a full and
accurate summary of actions taken, and the reasons therefor, including a
description of the views expressed. All documents considered in
connection with an action shall be identified in such minutes. All minutes
and documents of a closed meeting shall remain under seal, subject to
release by a majority vote of the commission or order of a court of
competent jurisdiction.

c) The commission shall, by a majority vote of the administrators,
prescribe bylaws or rules to govern its conduct as may be necessary or
appropriate to carry out the purposes and exercise the powers of this
compact, including, but not limited to:

1. Establishing the fiscal year of the commission;
2. Providing reasonable standards and procedures:
   A. For the establishment and meetings of other committees; and
   B. Governing any general or specific delegation of any authority or
      function of the commission;
3. Providing reasonable procedures for calling and conducting
   meetings of the commission, ensuring reasonable advance notice of all
   meetings and providing an opportunity for attendance of such meetings by
   interested parties, with enumerated exceptions designed to protect the
   public's interest, the privacy of individuals, and proprietary information,
   including trade secrets. The commission may meet in closed session only
   after a majority of the administrators vote to close a meeting in whole or in
   part. As soon as practicable, the commission must make public a copy of
   the vote to close the meeting revealing the vote of each administrator, with
   no proxy votes allowed;
4. Establishing the titles, duties and authority and reasonable
   procedures for the election of the officers of the commission;
5. Providing reasonable standards and procedures for the
   establishment of the personnel policies and programs of the commission.
   Notwithstanding any civil service or other similar laws of any party state,
   the bylaws shall exclusively govern the personnel policies and programs of
   the commission; and
6. Providing a mechanism for winding up the operations of the
   commission and the equitable disposition of any surplus funds that may
   exist after the termination of this compact after the payment or reserving
   of all of its debts and obligations.

d) The commission shall publish its bylaws and rules, and any
amendments thereto, in a convenient form on the website of the
commission.

e) The commission shall maintain its financial records in accordance
with the bylaws.

f) The commission shall meet and take such actions as are consistent
with the provisions of this compact and the bylaws.

(g) The commission shall have the following powers:

(1) To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all party states;

(2) to bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any licensing board to sue or be sued under applicable law shall not be affected;

(3) to purchase and maintain insurance and bonds;

(4) to borrow, accept or contract for services of personnel, including, but not limited to, employees of a party state or nonprofit organizations;

(5) to cooperate with other organizations that administer state compacts related to the regulation of nursing, including, but not limited to, sharing administrative or staff expenses, office space or other resources;

(6) to hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

(7) to accept any and all appropriate donations, grants and gifts of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same, provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest;

(8) to lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, whether real, personal or mixed, provided that at all times the commission shall avoid any appearance of impropriety;

(9) to sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, whether real, personal or mixed;

(10) to establish a budget and make expenditures;

(11) to borrow money;

(12) to appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, and consumer representatives, and other such interested persons;

(13) to provide and receive information from, and to cooperate with, law enforcement agencies;

(14) to adopt and use an official seal; and

(15) to perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of nurse licensure and practice.

(h) Financing of the commission:

(1) The commission shall pay, or provide for the payment of, the
reasonable expenses of its establishment, organization and ongoing
activities;
   (2) the commission may also levy on and collect an annual
assessment from each party state to cover the cost of its operations,
activities and staff in its annual budget as approved each year. The
aggregate annual assessment amount, if any, shall be allocated based upon
a formula to be determined by the commission, which shall promulgate a
rule that is binding upon all party states;
   (3) the commission shall not incur obligations of any kind prior to
securing the funds adequate to meet the same, nor shall the commission
pledge the credit of any of the party states, except by and with the
authority of such party state; and
   (4) the commission shall keep accurate accounts of all receipts and
disbursements. The receipts and disbursements of the commission shall be
subject to the audit and accounting procedures established under its
bylaws. However, all receipts and disbursements of funds handled by the
commission shall be audited yearly by a certified or licensed public
accountant, and the report of the audit shall be included in and become
part of the annual report of the commission.
   (i) Qualified immunity, defense and indemnification:
   (1) The administrators, officers, executive director, employees and
representatives of the commission shall be immune from suit and liability,
either personally or in their official capacity, for any claim for damage to
or loss of property or personal injury or other civil liability caused by or
arising out of any actual or alleged act, error or omission that occurred, or
that the person against whom the claim is made had a reasonable basis for
believing occurred, within the scope of commission employment, duties or
responsibilities, provided that nothing in this paragraph shall be construed
to protect any such person from suit or liability for any damage, loss,
injury or liability caused by the intentional, willful or wanton misconduct
of that person.
   (2) The commission shall defend any administrator, officer, executive
director, employee or representative of the commission in any civil action
seeking to impose liability arising out of any actual or alleged act, error or
omission that occurred within the scope of commission employment,
duties or responsibilities, or that the person against whom the claim is
made had a reasonable basis for believing occurred within the scope of
commission employment, duties or responsibilities, provided that the
actual or alleged act, error or omission did not result from that person's
intentional, willful or wanton misconduct and provided further that
nothing herein shall be construed to prohibit that person from retaining
such person's own counsel.
   (3) The commission shall indemnify and hold harmless any
administrator, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional, willful or wanton misconduct of that person.

ARTICLE VIII
RULEMAKING
(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this compact.
(b) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.
(c) Prior to promulgation and adoption of a final rule or rules by the commission, and at least 60 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:
(1) On the website of the commission; and
(2) on the website of each licensing board or the publication in which each state would otherwise publish proposed rules.
(d) The notice of proposed rulemaking shall include:
(1) The proposed time, date and location of the meeting in which the rule will be considered and voted upon;
(2) the text of the proposed rule or amendment, and the reason for the proposed rule;
(3) a request for comments on the proposed rule from any interested person; and
(4) the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.
(e) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.
(f) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.
(g) The commission shall publish the place, time and date of the scheduled public hearing.
(1) Hearings shall be conducted in a manner providing each person
who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings will be recorded, and a copy will be made available upon request.

(2) Nothing in this article shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this article.

(h) If no one appears at the public hearing, the commission may proceed with promulgation of the proposed rule.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(j) The commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(k) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, provided that the usual rulemaking procedures provided in this compact and in this article shall be retroactively applied to the rule as soon as reasonably possible, and in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety or welfare;
(2) prevent a loss of commission or party state funds; or
(3) meet a deadline for the promulgation of an administrative rule that is required by federal law or rule.

(l) The commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

ARTICLE IX
OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

(a) Oversight:

(1) Each party state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact's purposes and intent.
(2) The commission shall be entitled to receive service of process in
any proceeding that may affect the powers, responsibilities or actions of
the commission, and shall have standing to intervene in such a proceeding
for all purposes. Failure to provide service of process in such proceeding
to the commission shall render a judgment or order void as to the
commission, this compact or promulgated rules.

(b) Default, technical assistance and termination:
(1) If the commission determines that a party state has defaulted in
the performance of its obligations or responsibilities under this compact or
the promulgated rules, the commission shall:
(A) Provide written notice to the defaulting state and other party
states of the nature of the default, the proposed means of curing the default
or any other action to be taken by the commission; and
(B) Provide remedial training and specific technical assistance
regarding the default.
(2) If a state in default fails to cure the default, the defaulting state's
membership in this compact may be terminated upon an affirmative vote
of a majority of the administrators, and all rights, privileges and benefits
conferred by this compact may be terminated on the effective date of
termination. A cure of the default does not relieve the offending state of
obligations or liabilities incurred during the period of default.
(3) Termination of membership in this compact shall be imposed only
after all other means of securing compliance have been exhausted. notice
of intent to suspend or terminate shall be given by the commission to the
governor of the defaulting state and to the executive officer of the
defaulting state's licensing board and each of the party states.
(4) A state whose membership in this compact has been terminated is
responsible for all assessments, obligations and liabilities incurred through
the effective date of termination, including obligations that extend beyond
the effective date of termination.
(5) The commission shall not bear any costs related to a state that is
found to be in default or whose membership in this compact has been
terminated unless agreed upon in writing between the commission and the
defaulting state.
(6) The defaulting state may appeal the action of the commission by
petitioning the U.S. District Court for the District of Columbia or the
federal district in which the commission has its principal offices. The
prevailing party shall be awarded all costs of such litigation, including
reasonable attorney fees.

(c) Dispute resolution:
(1) Upon request by a party state, the commission shall attempt to
resolve disputes related to the compact that arise among party states and
between party and non-party-states.
(2) The commission shall promulgate a rule providing for both
mediation and binding dispute resolution for disputes, as appropriate.

(3) In the event the commission cannot resolve disputes among party
states arising under this compact:
   (A) The party states may submit the issues in dispute to an arbitration
   panel, which will be comprised of individuals appointed by the compact
   administrator in each of the affected party states and an individual
   mutually agreed upon by the compact administrators of all the party states
   involved in the dispute.
   (B) The decision of a majority of the arbitrators shall be final and
   binding.

(d) Enforcement:
   (1) The commission, in the reasonable exercise of its discretion, shall
   enforce the provisions and rules of this compact.
   (2) By majority vote, the commission may initiate legal action in the
   U.S. District Court for the District of Columbia or the federal district in
   which the commission has its principal offices against a party state that is
   in default to enforce compliance with the provisions of this compact and
   its promulgated rules and bylaws. The relief sought may include both
   injunctive relief and damages. In the event judicial enforcement is
   necessary, the prevailing party shall be awarded all costs of such litigation,
   including reasonable attorney fees.
   (3) The remedies herein shall not be the exclusive remedies of the
   commission. The commission may pursue any other remedies available
   under federal or state law.

ARTICLE X
EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

(a) This compact shall become effective and binding on the earlier of
the date of legislative enactment of this compact into law by no less than
26 states or December 31, 2018. All party states to this compact that also
were parties to the prior nurse licensure compact superseded by this
compact, prior compact, shall be deemed to have withdrawn from such
prior compact within six months after the effective date of this compact.

(b) Each party state to this compact shall continue to recognize a
nurse's multistate licensure privilege to practice in that party state issued
under the prior compact until such party state has withdrawn from the
prior compact.

(c) Any party state may withdraw from this compact by enacting a
statute repealing the same. A party state's withdrawal shall not take effect
until six months after enactment of the repealing statute.

(d) A party state's withdrawal or termination shall not affect the
continuing requirement of the withdrawing or terminated state's licensing
board to report adverse actions and significant investigations occurring
prior to the effective date of such withdrawal or termination.
Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this compact.

This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

Representatives of non-party states to this compact shall be invited to participate in the activities of the commission, on a nonvoting basis, prior to the adoption of this compact by all states.

ARTICLE XI
CONSTRUCTION AND SEVERABILITY
This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States, or if the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held to be contrary to the constitution of any party state, this compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

Sec. 2. K.S.A. 2017 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 paragraph (1) of this subsection (d), 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) 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) 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, and this advanced role shall be defined by rules and regulations adopted by the board in accordance with K.S.A. 65-1130, and amendments thereto.

(h) "Continuing nursing education" means learning experiences intended to build upon the educational and experiential bases of the registered professional and licensed practical nurse for the enhancement of practice, education, administration, research or theory development to the end of improving the health of the public.

Sec. 3. K.S.A. 2017 Supp. 65-1117 is hereby amended to read as follows: 65-1117. (a) All licenses issued under the provisions of this act, whether initial or renewal, including multi-state licenses under the nurse licensure compact, shall expire every two years. The expiration date shall be established by the rules and regulations of the board. Any licensed nurse may file a multi-state license application together with the prescribed multi-state license fee at any time the nurse holds an active license. The board shall send a notice for renewal of license to every registered professional nurse and licensed practical nurse at least 60 days prior to the expiration date of such person's license. Every person so licensed who desires to renew such license shall file with the board, on or before the date of expiration of such license, a renewal application together with the prescribed biennial renewal fee. Every
licensee who is no longer engaged in the active practice of nursing may so state by affidavit and submit such affidavit with the renewal application. An inactive license may be requested along with payment of a fee which shall be fixed by rules and regulations of the board. Except for the first renewal for a license that expires within 30 months following licensure examination or for renewal of a license that expires within the first nine months following licensure by reinstatement or endorsement, every licensee with an active nursing license shall submit with the renewal application evidence of satisfactory completion of a program of continuing nursing education required by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing nursing education. Continuing nursing education means learning experiences intended to build upon the educational and experiential bases of the registered professional and licensed practical nurse for the enhancement of practice, education, administration, research or theory development to the end of improving the health of the public. Upon receipt of such application, payment of fee, upon receipt of the evidence of satisfactory completion of the required program of continuing nursing education and upon being satisfied that the applicant meets the requirements set forth in K.S.A. 65-1115 or 65-1116, and amendments thereto, in effect at the time of initial licensure of the applicant, the board shall verify the accuracy of the application and grant a renewal license.

(b) Any person who fails to secure a renewal license within the time specified herein may secure a reinstatement of such lapsed license by making verified application therefor on a form provided by the board, by rules and regulations, and upon furnishing proof that the applicant is competent and qualified to act as a registered professional nurse or licensed practical nurse and by satisfying all of the requirements for reinstatement including payment to the board of a reinstatement fee as established by the board. A reinstatement application for licensure will be held awaiting completion of such documentation as may be required, but such application shall not be held for a period of time in excess of that specified in rules and regulations.

(c) Any person whose license as a registered professional nurse has lapsed for a period of more than 13 years beyond its expiration date and who has been employed for at least 10 of the last 13 years in an allied health profession which employment required substantially comparable patient care to that of care provided by a registered professional nurse may apply for reinstatement as a registered professional nurse and shall not be required to complete a refresher course as established by the board, but
shall be reinstated as a registered professional nurse by the board upon
application to the board for reinstatement of such license on a form
provided by the board, upon presentation to the board of an affidavit from
such person detailing such person’s work history, upon determination by
the board that the work history with regard to patient care is substantially
comparable to patient care provided by a registered professional nurse,
upon determination by the board that such person is otherwise qualified to
be licensed as a registered professional nurse and upon paying to the board
the reinstatement fee established by the board. This subsection shall expire
on January 1, 2012.

(d) (1) Each licensee shall notify the board in writing of (A) a
change in name or address within 30 days of the change or (B) a
conviction of any felony or misdemeanor, that is specified in rules and
regulations adopted by the board, within 30 days from the date the
conviction becomes final.

(2) As used in this subsection, "conviction" means a final
conviction without regard to whether the sentence was suspended or
probation granted after such conviction. Also, for the purposes of this
subsection, a forfeiture of bail, bond or collateral deposited to secure a
defendant’s appearance in court, which forfeiture has not been
vacated, shall be equivalent to a conviction. Failure to so notify the
board shall not constitute a defense in an action relating to failure to
renew a license, nor shall it constitute a defense in any other
proceeding.

(d)—Every person who holds a multi-state license under the nurse
licensure compact and who engages in the practice of nursing in Kansas:
shall notify the board of the person’s address and other matters as may be
required by the board. The notification shall be in a manner as required by
the board. The board shall adopt rules and regulations to implement the
provisions of this subsection. Persons holding a multi-state license
under the nurse licensure compact and who engage in the practice of
nursing in Kansas may be requested by the board to voluntarily provide
workforce-related information as reasonably determined by the board.
Refusal to voluntarily provide such information shall not be a basis for
disciplinary action against or restriction of the multi-state license of any
such person.

Sec. 4. K.S.A. 2017 Supp. 65-1118 is hereby amended to read as
follows: 65-1118. (a) The board shall collect in advance fees provided
for in this act as fixed by the board, but not exceeding:

Application for single-state license—professional nurse........... $75 $150
Application for single-state license—practical nurse.............. $60 $100
Application for single-state biennial renewal of license—professional
nurse and practical nurse................................................. $60 $120
Application for single-state reinstatement of license.............................. 70
Application for single-state reinstatement of licenses with temporary
permit........................................................................................................ 150
Application for multi-state license—professional nurse.................. 300
Application for multi-state license—practical nurse....................... 300
Application for multi-state biennial renewal of license—
professional nurse and practical nurse................................................ 200
Application for multi-state reinstatement of license...................... 300
Application for multi-state reinstatement of licenses
with temporary permit................................................................. 400
Application for reinstatement of revoked license........................... 1,000
Certified copy of license......................................................................... 25
Duplicate of license................................................................................ 25
Inactive license.................................................................................... 20
Application for license—advanced practice registered
nurse........................................................................................................ 50
Application for license with temporary permit—advanced
practice registered nurse................................................................ 100
Application for renewal of license—advanced practice
registered nurse................................................................................... 60
Application for reinstatement of license—advanced practice
registered nurse.................................................................................... 75
Application for authorization—registered nurse
anesthetist........................................................................................... 75
Application for authorization with temporary authorization—
registered nurse anesthetist................................................................. 110
Application for biennial renewal of authorization—registered
nurse anesthetist.................................................................................. 60
Application for reinstatement of authorization—registered
nurse anesthetist.................................................................................. 75
Application for reinstatement of authorization with temporary
authorization—registered nurse anesthetist........................................ 100
Verification of license to another state............................................... 30
Application for exempt license—professional and practical
nurse.......................................................................................................... 50
Application for biennial renewal of exempt license—
professional and practical nurse......................................................... 50
Application for exempt license—advanced practice registered
nurse....................................................................................................... 50
Application for biennial renewal of exempt license—advanced
practice registered nurse................................................................. 50
(b) The board may require that fees paid for any examination
under the Kansas nurse practice act be paid directly to the
examination service by the person taking the examination.

(c) The board shall accept for payment of fees under this section personal checks, certified checks, cashier’s checks, money orders or credit cards. The board may designate other methods of payment, but shall not refuse payment in the form of a personal check. The board may impose additional fees and recover any costs incurred by reason of payments made by personal checks with insufficient funds and payments made by credit cards.

Sec. 5. K.S.A. 2017 Supp. 65-1120 is hereby amended to read as follows: 65-1120. (a) Grounds for disciplinary actions. The board may deny, revoke, limit or suspend any license or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced practice registered nurse or as a registered nurse anesthetist that is issued by the board or applied for under this act, or may require the licensee to attend a specific number of hours of continuing education in addition to any hours the licensee may already be required to attend or may publicly or privately censure a licensee or holder of a temporary permit or authorization, if the applicant, licensee or holder of a temporary permit or authorization is found after hearing:

(1) To be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;

(2) to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust, except that notwithstanding K.S.A. 74-120, and amendments thereto, no license or authorization to practice nursing as a licensed professional nurse, as a licensed practical nurse, as an advanced practice registered nurse or registered nurse anesthetist shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes annotated, or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto;

(3) has been convicted or found guilty or has entered into an agreed disposition of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;

(4) to have committed an act of professional incompetency as defined in subsection (e);

(4)(5) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

(5)(6) to be a person who has been adjudged in need of a guardian or conservator, or both, under the act for obtaining a
guardian or conservator, or both, and who has not been restored to
capacity under that act;
(6) to be guilty of unprofessional conduct as defined by rules
and regulations of the board;
(7) to have willfully or repeatedly violated the provisions of the
Kansas nurse practice act or any rules and regulations adopted
pursuant to that act, including K.S.A. 65-1114 and 65-1122, and
amendments thereto;
(8) to have a license to practice nursing as a registered nurse or
as a practical nurse denied, revoked, limited or suspended, or to be
publicly or privately censured, by a licensing authority of another
state, agency of the United States government, territory of the United
States or country or to have other disciplinary action taken against the
applicant or licensee by a licensing authority of another state, agency
of the United States government, territory of the United States or
country. A certified copy of the record or order of public or private
censure, denial, suspension, limitation, revocation or other
disciplinary action of the licensing authority of another state, agency
of the United States government, territory of the United States or
country shall constitute prima facie evidence of such a fact for
purposes of this paragraph;(8); or
(9) to have assisted suicide in violation of K.S.A. 21-3406,
prior to its repeal, or K.S.A. 2017 Supp. 21-5407, and amendments
thereto, as established by any of the following:
(A) A copy of the record of criminal conviction or plea of guilty
for a felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A.
2017 Supp. 21-5407, and amendments thereto.
(B) A copy of the record of a judgment of contempt of court for
violating an injunction issued under K.S.A. 2017 Supp. 60-4404, and
amendments thereto.
(C) A copy of the record of a judgment assessing damages under
(b) Proceedings. Upon filing of a sworn complaint with the board
charging a person with having been guilty of any of the unlawful
practices specified in subsection (a), two or more members of the
board shall investigate the charges, or the board may designate and
authorize an employee or employees of the board to conduct an
investigation. After investigation, the board may institute charges. If
an investigation, in the opinion of the board, reveals reasonable
grounds for believing the applicant or licensee is guilty of the charges,
the board shall fix a time and place for proceedings, which shall be
conducted in accordance with the provisions of the Kansas
administrative procedure act.
(c) **Witnesses.** No person shall be excused from testifying in any proceedings before the board under this act or in any civil proceedings under this act before a court of competent jurisdiction on the ground that such testimony may incriminate the person testifying, but such testimony shall not be used against the person for the prosecution of any crime under the laws of this state except the crime of perjury as defined in K.S.A. 2017 Supp. 21-5903, and amendments thereto.

(d) **Costs.** If final agency action of the board in a proceeding under this section is adverse to the applicant or licensee, the costs of the board's proceedings shall be charged to the applicant or licensee as in ordinary civil actions in the district court, but if the board is the unsuccessful party, the costs shall be paid by the board. Witness fees and costs may be taxed by the board according to the statutes relating to procedure in the district court. All costs accrued by the board, when it is the successful party, and which the attorney general certifies cannot be collected from the applicant or licensee shall be paid from the board of nursing fee fund. All moneys collected following board proceedings shall be credited in full to the board of nursing fee fund.

(e) **Professional incompetency defined.** As used in this section, "professional incompetency" means:

1. One or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board;
2. repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board; or
3. a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

(f) **Criminal justice information.** The board upon request shall receive from the Kansas bureau of investigation such criminal history record information relating to arrests and criminal convictions as necessary for the purpose of determining initial and continuing qualifications of licensees of and applicants for licensure by the board.

Sec. 6. K.S.A. 65-1127 is hereby amended to read as follows: 65-1127. (a) A licensee shall report to the board of nursing any information the licensee may have relating to alleged incidents of malpractice or the qualifications, fitness or character of a person licensed to practice professional nursing or licensed to practice practical nursing, including persons holding a multi-state license under the nurse licensure compact. No person reporting to the board of nursing under oath and in good faith any information such person may have relating to alleged incidents of malpractice or the qualifications, fitness or character of a person licensed to practice professional nursing or licensed to practice
practical nursing shall be subject to a civil action for damages as a result of reporting such information.

(b) Any state, regional or local association of registered professional nurses or licensed practical nurses and the individual members of any committee thereof, which in good faith investigates or communicates information pertaining to the alleged incidents of malpractice or the qualifications, fitness or character of any licensee or registrant to the board of nursing or to any committee or agent thereof, shall be immune from liability in any civil action, that is based upon such information or transmittal of information if the investigation and communication was made in good faith and did not represent as true any matter not reasonably believed to be true.

Sec. 7. K.S.A. 2017 Supp. 74-1106 is hereby amended to read as follows: 74-1106. (a) Appointment, term of office. (1) The governor shall appoint a board consisting of 11 members of which six shall be registered professional nurses, two shall be licensed practical nurses and three shall be members of the general public, which shall constitute a board of nursing, with the duties, power and authority set forth in this act.

(2) Upon the expiration of the term of any registered professional nurse, the Kansas state nurses association shall submit to the governor a list of registered professional nurses containing names of not less than three times the number of persons to be appointed, and appointments shall be made after consideration of such list for terms of four years and until a successor is appointed and qualified.

(3) On the effective date of this act, the Kansas federation of licensed practical nurses shall submit to the governor a list of licensed practical nurses containing names of not less than three times the number of persons to be appointed, and appointments shall be made after consideration of such list for a term of four years and until a successor is appointed and qualified.

(4) Each member of the general public shall be appointed for a term of four years and successors shall be appointed for a like term.

(5) Whenever a vacancy occurs on the board of nursing, it shall be filled by appointment for the remainder of the unexpired term in the same manner as the preceding appointment. No person shall serve more than two consecutive terms as a member of the board of nursing and appointment for the remainder of an unexpired term shall constitute a full term of service on such board.

(b) Qualifications of members. Each member of the board shall be a citizen of the United States and a resident of the state of Kansas. Registered professional nurse members shall possess a license to practice as a professional nurse in this state with at least five years'
experience in nursing as such and shall be actively engaged in professional nursing in Kansas at the time of appointment and reappointment. The licensed practical nurse members shall be licensed to practice practical nursing in the state with at least five years' experience in practical nursing and shall be actively engaged in practical nursing in Kansas at the time of appointment and reappointment. The governor shall appoint successors so that the registered professional nurse membership of the board shall consist of at least two members who are engaged in nursing service, at least two members who are engaged in nursing education and at least one member who is engaged in practice as an advanced practice registered nurse or a registered nurse anesthetist. The consumer members shall represent the interests of the general public. At least one consumer member shall not have been involved in providing health care. Each member of the board shall take and subscribe the oath prescribed by law for state officers, which oath shall be filed with the secretary of state.

(c) Duties and powers. (1) The board shall meet annually at Topeka during the month of September and shall elect from its members a president, vice-president and secretary, each of whom shall hold their respective offices for one year. The board shall employ an executive administrator, who shall be a registered professional nurse, who shall not be a member of the board and who shall be in the unclassified service under the Kansas civil service act, and shall employ such other employees, who shall be in the classified service under the Kansas civil service act as necessary to carry on the work of the board. The information technology and operational staff shall remain employees of the board. As necessary, the board shall be represented by an attorney appointed by the attorney general as provided by law, whose compensation shall be determined and paid by the board with the approval of the governor. The board may hold such other meetings during the year as may be deemed necessary to transact its business.

(2) The board shall adopt rules and regulations consistent with this act necessary to carry into effect the provisions thereof, and such rules and regulations may be published and copies thereof furnished to any person upon application.

(3) The board shall prescribe curricula and standards for professional and practical nursing programs and mental health technician programs, and provide for surveys of such schools and courses at such times as it may deem necessary. It shall accredit such schools and approve courses as meet the requirements of the appropriate act and rules and regulations of the board.

(4) The board shall examine, license and renew licenses of duly
qualified applicants and conduct hearings upon charges for limitation,
suspension or revocation of a license or approval of professional and
practical nursing and mental health technician programs and may
limit, deny, suspend or revoke for proper legal cause, licenses or
approval of professional and practical nursing and mental health
technician programs, as hereinafter provided. Examination for
applicants for registration shall be given at least twice each year and
as many other times as deemed necessary by the board. The board
shall promote improved means of nursing education and standards of
nursing care through institutes, conferences and other means.
(5) The board shall have a seal of which the executive
administrator shall be the custodian. The president and the secretary
shall have the power and authority to administer oaths in transacting
business of the board, and the secretary shall keep a record of all
proceedings of the board and a register of professional and practical
nurses and mental health technicians licensed and showing the
certificates of registration or licenses granted or revoked, which
register shall be open at all times to public inspection.
(6) The board may enter into contracts as may be necessary to
carry out its duties.
(7) The board is hereby authorized to apply for and to accept
grants and may accept donations, bequests or gifts. The board shall
remit all moneys received by it under this paragraph (7) 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 grants and gifts fund which is hereby created. All
expenditures from such fund shall be made in accordance with
appropriation acts upon warrants of the director of accounts and
reports issued pursuant to vouchers approved by the president of the
board or a person designated by the president.
(8) A majority of the board of nursing including two professional
nurse members shall constitute a quorum for the transaction of
business.
(d) Subpoenas. In all investigations and proceedings, the board
shall have the power to issue subpoenas and compel the attendance of
witnesses and the production of all relevant and necessary papers,
books, records, documentary evidence and materials. Any person
failing or refusing to appear or testify regarding any matter about
which such person may be lawfully questioned or to produce any
books, papers, records, documentary evidence or relevant materials in
the matter, after having been required by order of the board or by a
subpoena of the board to do so, upon application by the board to any
district judge in the state, may be ordered by such judge to comply therewith. Upon failure to comply with the order of the district judge, the court may compel obedience by attachment for contempt as in the case of disobedience of a similar order or subpoena issued by the court. A subpoena may be served upon any person named therein anywhere within the state with the same fees and mileage by an officer authorized to serve subpoenas in civil actions in the same procedure as is prescribed by the code of civil procedure for subpoenas issued out of the district courts of this state.

(e) Compensation and expenses. Members of the board of nursing attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. No member of the board of nursing shall be paid an amount as provided in K.S.A. 75-3223, and amendments thereto, if such member receives an amount from another governmental or private entity for the purpose for which such amount is payable under K.S.A. 75-3223, and amendments thereto.


Sec. 9. This act shall take effect and be in force from and after
July 1, 2019, and its publication in the statute book.