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

Section 1. K.S.A. 2017 Supp. 65-28b02 is hereby amended to read as follows: 65-28b02. As used in the independent practice of midwifery act:

(a) "Board" means the state board of healing arts nursing.

(b) "Certified nurse-midwife" means an individual who:

(1) Is educated in the two disciplines of nursing and midwifery;

(2) is currently certified by a certifying board or entity approved by the state board of nursing; and

(3) is currently licensed under the Kansas nurse practice act.

(c) "Independent practice of midwifery" means the provision of clinical services by a certified nurse-midwife without the requirement of a collaborative practice agreement with a person licensed to practice medicine and surgery when such clinical services are limited to those associated with a normal, uncomplicated pregnancy and delivery, including:

(1) The prescription of drugs and diagnostic tests;

(2) the performance of episiotomy or repair of a minor vaginal laceration;

(3) the initial care of the normal newborn; and

(4) family planning services, including treatment or referral of male partners for sexually-transmitted infections.

(d) The provisions of this section shall become effective on January 1, 2017.

Sec. 2. K.S.A. 2017 Supp. 65-28b03 is hereby amended to read as follows: 65-28b03. (a) In order to obtain authorization to engage in the independent practice of midwifery, a certified nurse-midwife must meet the following requirements:

(1) Be licensed to practice professional nursing under the Kansas nurse practice act;

(2) have successfully completed a course of study in nurse-midwifery
in a school of nurse-midwifery approved by the board;
(3) have successfully completed a national certification in nurse-midwifery approved by the board;
(4) have successfully completed a refresher course as defined by rules and regulations of the board, if the individual has not been in active midwifery practice for five years immediately preceding the application;
(5) be authorized to perform the duties of a certified nurse-midwife by the state board of nursing;
(6) be licensed as an advanced practice registered nurse by the state board of nursing; and
(7) have paid all applicable fees for licensure prescribed in K.S.A. 2017 Supp. 65-28b05, and amendments thereto.

(b) Upon application to the board by any certified nurse-midwife and upon satisfaction of the standards and requirements established under this act, the board shall grant an authorization to the applicant to engage in the independent practice of midwifery, except that no application to engage in the independent practice of midwifery shall be granted until the date upon which rules and regulations adopted to carry out the provisions of K.S.A. 2017 Supp. 65-28b07(a), and amendments thereto, become effective.

(c) The board may grant a temporary permit to engage in the independent practice of midwifery to a person who has met the requirements of (a)(1), (2), (3), (6) and (7) for the needed amount of time to complete the refresher course under (a)(4), but the temporary permit shall not exceed 120 days.

(d) A person whose licensure authorization to engage in the independent practice of midwifery has been revoked may make written application to the board requesting reinstatement of the license authorization in a manner prescribed by the board, which application shall be accompanied by the fee prescribed in K.S.A. 2017 Supp. 65-28b05, and amendments thereto.

(d) The provisions of this section shall become effective on January 1, 2017.

Sec. 3. K.S.A. 2017 Supp. 65-28b04 is hereby amended to read as follows: 65-28b04. (a) Licenses Authorization to engage in the independent practice of midwifery issued under this act shall expire on the date of expiration established by rules and regulations of the board, unless renewed in the manner prescribed by the board. The request for renewal shall be accompanied by the fee prescribed in K.S.A. 2017 Supp. 65-28b05, and amendments thereto.

(b) At least 30 days before the expiration of a licensee's license an authorization, the board shall notify the licensee holder of the expiration, by mail, addressed to the licensee's person's last known mailing address. If the licensee holder of the
authorization fails to submit an application for renewal on a form provided
by the board, or fails to pay the renewal fee by the date of expiration, the
board shall give a second notice to the licensee that the licensee holder of
the authorization that the authorization has expired and the licensee
authorization may be renewed only if the application for renewal, the
renewal fee; and the late renewal fee are received by the board within the
30-day period following the date of expiration and that, if both fees are not
received within the 30-day period, the license authorization to engage in
the independent practice of midwifery shall be deemed canceled by
operation of law and without further proceedings.

(c) The board may require any licensee holder of an authorization, as
a condition of renewal, to submit with the application of renewal evidence
of satisfactory completion of a program of continuing education as
required by rules and regulations of the board.

(d) The provisions of this section shall become effective on January
1, 2017.

Sec. 4. K.S.A. 2017 Supp. 65-28b05 is hereby amended to read as
follows: 65-28b05. (a) The board shall charge and collect, in advance, fees
for certified nurse-midwives; the following fees as established by the
board, by rules and regulations, not to exceed:

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<tr>
<th>Service</th>
<th>Fee</th>
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<tr>
<td>Application for license</td>
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<td>License renewal</td>
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<td>Late license renewal</td>
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<td>License reinstatement fee</td>
<td>$100</td>
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<tr>
<td>Revoked license fee</td>
<td>$100</td>
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<tr>
<td>Certified copy of license</td>
<td>$50</td>
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<tr>
<td>Verified copy of license</td>
<td>$25</td>
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<tr>
<td>Application for authorization</td>
<td>$100</td>
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<td>Authorization renewal</td>
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<td>Late authorization renewal</td>
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<td>Authorization reinstatement fee</td>
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<tr>
<td>Revoked authorization fee</td>
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<tr>
<td>Temporary permit fee</td>
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<tr>
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<td>$50</td>
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<tr>
<td>Verified copy of authorization</td>
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(b) The board shall remit all moneys received by or for the board
from fees, charges or penalties 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. Ten percent of each such amount shall be credited to the state general fund, and the balance shall be credited to the healing arts board of nursing fee fund. All expenditures from the healing arts board of nursing fee 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 by a person or persons designated by the president.

(e) The provisions of this section shall become effective on January 1, 2017.

Sec. 5. K.S.A. 2017 Supp. 65-28b06 is hereby amended to read as follows: 65-28b06. (a) It shall be unlawful for a person to engage in the independent practice of midwifery without a collaborative practice agreement with a person licensed to practice medicine and surgery, unless such certified nurse-midwife holds a license from the state board of nursing and the board person holds a currently valid authorization from the board to engage in the independent practice of midwifery under the act.

(b) The provisions of this section shall become effective on January 1, 2017.

Sec. 6. K.S.A. 2017 Supp. 65-28b07 is hereby amended to read as follows: 65-28b07. (a) The board, in consultation with the state board of nursing nurse-midwives advisory council, shall adopt rules and regulations pertaining to certified nurse-midwives engaging in the independent practice of midwifery and governing the ordering of tests, diagnostic services and prescribing of drugs and referral or transfer to physicians in the event of complications or emergencies. Such rules and regulations shall not be adopted until the state board of nursing and the board have consulted and concurred on the content of each rule and regulation. Such rules and regulations shall be adopted no later than January 1, 2017.

(b) A certified nurse midwife engaging in the independent practice of midwifery shall be subject to the provisions of the independent practice of midwifery act with respect to the ordering of tests, diagnostic services and prescribing of drugs, and shall not be subject to the provisions of K.S.A. 65-1130, and amendments thereto.

(c) The standards of care for certified nurse-midwives in the ordering of tests, diagnostic services and the prescribing of drugs shall be those standards which protect patients and shall be standards comparable to persons licensed to practice medicine and surgery providing the same services.

(d) In addition to rules and regulations the board is otherwise authorized to adopt under the independent practice of nurse midwifery act, the board is hereby authorized to solely adopt such rules and
regulations necessary to administer the administrative provisions of this act.

Sec. 7. K.S.A. 2017 Supp. 65-28b08 is hereby amended to read as follows: 65-28b08. (a) The board may deny, revoke, limit or suspend any license or authorization or temporary permit issued to a certified nurse-midwife to engage in the independent practice of midwifery that is issued by the board or applied for under this act, or may publicly censure a licensee the holder of an authorization or holder of a temporary permit or authorization, if the applicant or licensee holder of an authorization or temporary permit is found after a hearing:

(1) To be guilty of fraud or deceit while engaging in the independent practice of midwifery or in procuring or attempting to procure a license an authorization or temporary permit to engage in the independent practice of midwifery;

(2) to have been found guilty of a felony or to have been found guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee holder of an authorization or temporary permit establishes sufficient rehabilitation to warrant the public trust, except that notwithstanding K.S.A. 74-120, and amendments thereto, no license or authorization or temporary permit to practice and engage in the independent practice of midwifery 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 its repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 2017 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto;

(3) to have committed an act of professional incompetence as defined in subsection (c);

(4) to be unable to practice the healing arts midwifery with reasonable skill and safety by reason of impairment due to physical or mental illness or condition or use of alcohol, drugs or controlled substances. All information, reports, findings and other records relating to impairment shall be confidential and not subject to discovery or release to any person or entity outside of a board proceeding. The provisions of this paragraph providing confidentiality of records shall expire on July 1, 2022, unless the legislature reviews and reenacts such provisions pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2022;

(5) 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;
(8) to have a license to practice nursing as a registered nurse or as a
practical nurse denied, revoked, limited or suspended, or to have been
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 the holder of an authorization or temporary permit 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; 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 to 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. 60-4404, and amendments
thereto; or
(C) a copy of the record of a judgment assessing damages under
K.S.A. 60-4405, and amendments thereto.
(b) 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.
(c) 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 engage in the independent practice
of midwifery.
(d) 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 certified nurse midwives authorized to engage in the independent practice of midwifery and persons holding temporary permits to engage in the independent practice of midwifery and applicants for licensure by the board.

(e) The provisions of this section shall become effective on January 1, 2017.

Sec. 8. K.S.A. 2017 Supp. 65-28b09 is hereby amended to read as follows: 65-28b09. (a) The nurse-midwives council existing immediately prior to the effective date of this act is hereby abolished, and there is hereby established a nurse-midwives advisory council to advise the board in carrying out the provisions of this act. The council shall consist of seven members, all residents of the state of Kansas appointed as follows: Two members shall be licensees of the board, appointed by the board appointed by the state board of healing arts, who are licensed to practice medicine and surgery and whose specialty and customary practice includes obstetrics; one member shall be the president of the board or a board member designated by the president; and four members shall be licensed certified nurse-midwives authorized to engage in the independent practice of midwifery appointed by the state board of nursing or a board member designated by the president; and four members shall be licensed certified nurse-midwives authorized to engage in the independent practice of midwifery appointed by the state board of nursing, except for membership on the first appointed nurse-midwives advisory council, the four members appointed to the board shall be person eligible to obtain an authorization from the board to engage in the independent practice of midwifery. Members of the council shall serve at the pleasure of their appointing authority. The chairperson of the council shall be a member of the council designated by the president of the board.

(b) If a vacancy occurs on the nurse-midwives advisory council, the appointing authority of the position which has become vacant shall appoint a person of like qualifications to fill the vacant position for the unexpired term, if any.

(c) Members of the nurse-midwives advisory council attending meetings of the council, or attending a subcommittee meeting thereof authorized by the council, shall be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto, from the board of nursing fee fund.


Sec. 10. This act shall take effect and be in force from and after its publication in the statute book.