KANSAS STATE BOARD OF NURSING

ARTICLES

Insofar as these articles conflict with or limit any federal or state statute or regulation, the statute or regulation controls. These articles are not intended to create any rights, contractual or otherwise, for any person.

ARTICLE I - NAME AND LOCATION

Section 1. The name of the agency shall be the Kansas State Board of Nursing, hereinafter referred to as the Board.

Section 2. The Board is located in the Landon State Office Building, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230.

ARTICLE II - PURPOSE AND FUNCTIONS

Section 1. Purpose. The purpose of the Board is to protect and promote the welfare of the people of Kansas. This purpose supersedes the interest of any individual, the nursing profession, or any special interest group. This is accomplished through the regulation of standards for nursing education, licensure, and practice.

Section 2. Functions. The Board performs the functions set forth in 1997 Supp. K.S.A. 74-1106 and are summarized as follows:

a. Licenses registered professional and practical nurses, and mental health Technicians, licenses APRN's and authorizes RNA's;

b. regulates the practice of nursing, mental health technology, and advanced nursing practice;

c. accredits educational programs leading to licensure;

d. approves continuing nursing education programs and offerings;

e. provides guidance to licensed nurses and mental health technicians on the practice

acts;

f. receives reports and investigates possible violations of the Nurse Practice Act and rules and regulations;

g. disciplines violators through appropriate legal action to enforce the Nurse Practice Act and rules and regulations;

h. promotes effective communications with organizations, groups and individuals interested in health care;

i. complies with K.S.A. 77-415 et seq. for public comment with regard to the rules and regulations and the Nurse Practice Act and reviews and modifies the rules and regulations when necessary and appropriate;

j. recommends to the legislature appropriate changes in the Nurse Practice Act to ensure that the act is current and applicable to changing needs and practices; and

k. performs such other functions as specified in the Nursing Practice Act.

ARTICLE III - MEMBERSHIP

Section 1. Members. The Board shall consist of six registered professional nurses, two licensed practical nurses, three shall be members of the general public and at least one public member shall not have been involved in providing health care.

Section 2. Qualifications. Appointments shall be made by the governor. Such person shall have qualified as per K.S.A. 74-1106 (b).

Section 3. Privileges of Membership. Each member of the Board has the privilege of voting, of holding office, and of serving on committees.

Section 4. Reimbursement. 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.

Section 5. The Board may request voluntary resignation of any of its members for neglect of duty or other conduct which shall mean:

a. failure to attend two consecutive meetings without justification;

b. failure to participate in committees to which appointment was accepted without justification;

c. abuse of position.

Any member wishing to resign shall submit resignation in writing to the Governor and Board President who shall present it to the Board.

Section 6. In keeping with the Board's Purpose as stated above in Article II, Section 1, Board members are disqualified and will recuse themselves from chairing or voting in any proceeding before the Board or a Board committee if:

a. the Board member has an substantial economical interest in a subject matter; or

b. the Board member or the Board member's spouse, parent, or child is an officer or director of a professional association that is actively promoting or representing a particular subject matter or issue on behalf of the association; or

c. the Board member has prior knowledge of the allegations in a licensee's disciplinary case or personally knows or is involved with the licensee who is the subject in the discipline case.

ARTICLE IV - OFFICERS

Section 1. The officers shall consist of a President, Vice-President and Secretary.

Section 2. The three officers shall be elected at the September meeting, and shall serve for one year. At each September Board meeting an individual Board member will be designated to make decisions on the behalf of the agency head for purpose of granting or denying petitions for reconsideration or review filed with the agency head.

Section 3. In the event of the vacancy of one of the three offices, a new election will be held at the next meeting to fill the vacancy.

Section 4. The President shall:

a. preside over all meetings of the Board;

b. establish a proposed agenda in consultation with the Executive Administrator for meetings of the Board;

c. gain consent and appoint all members of ad hoc and standing committees, including chair and vice chair of each committee;

d. serve as ex-officio member of all standing and special committees with a voice, but shall not vote except when needed as a member to establish a quorum;

e. remove any committee member not fulfilling obligation to a committee;

f. have the right to vote on all Board issues;

g. sign appropriate legal documents;

h. advise Executive Administrator;

i. oversee the annual evaluation of the Executive Administrator;

j. be responsible for the proper functioning of the work of the Board; and

k. have power and authority to administer oaths.

Section 5. The Vice-President of the Board shall:

a. serve in the absence of the President; and

b. assume all such functions or responsibilities as may be delegated by the President.

c. assist President and Executive Administrator with appointments to committees.

Section 6. The Secretary shall:

a. sign all Board minutes;

b. keep a record of all meetings of the Board

c. have power and authority to administer oaths and

d. preside in the absence of the President and Vice-President.

ARTICLE V - EXECUTIVE ADMINISTRATOR

The Executive Administrator shall:

a. administer agency operations by the following:

1. evaluate staffing patterns to enhance operation of the organization;

2. direct professional and clerical staff for efficient functioning;

3. solve administrative problems;

4. evaluate agency staff; and

5. assist professional staff to review investigative cases

b. manage board activities as follows:

1. develop a proposed agenda for meetings of the Board with the President;

2. research and prepare informational materials for Board meetings;

3. assist staff in completing work of permanent and Ad Hoc committees;

4. serve as professional staff to both standing and Ad Hoc committees; and

5. report on national and state issues to the Board;

c. manage agency budget:

1. develop agency budget based on current agency expenditures, trends,

and issues;

2. present budget to legislature and appropriate others; and

3. evaluate on-going expenditures and revenues to maintain balanced budget;

d. participate in legislative and regulatory activities as follows:

1. evaluate current statutes and regulations as to changing needs of nursing and health care as directed by Board;

2. prepare drafts of changes in statutes and regulations for Board approval;

3. present testimony on proposed changes in statutes before the legislature; and

4. prepare statistical and technical reports for the legislature;

e. participate in professional activities:

1. provide information on nursing issues to licensees, nursing schools, and providers of continuing nursing education;

2. facilitate joint activities with nursing organizations, Attorney General's office, and other state agencies;

3. represent the Board at local, state, and national meetings;

4. write articles for newsletters;

5. compile an annual report; and

6. lecture on nursing issues;

f. perform such other duties as directed by the Board.

ARTICLE VI - MEETINGS

Section 1. The Board adheres to the provisions of the Open Meetings Law. Regular business meetings shall be held at a place and time designated by the Board.

Section 2. A minimum of four regular meetings shall be held each year, March, June,

September and December. In the case of unusual circumstances and the Board cannot meet at a regularly scheduled time, then notice shall be given and the meeting shall be rescheduled.

a. The annual meeting shall be held in September.

b. A schedule of dates for meetings shall be presented to the Board a year in advance.

c. Notice shall be given to the public at least twenty-one (21) days prior to the date of the meeting except in cases of special or emergency meetings when notice will be given as soon as possible. The purpose of the meeting shall be stated in the meeting notice.

d. There shall be a quorum of six Board members including at least two professional nurse members. For the purpose of a quorum, one or more members may participate by telephone conference call, video conference or other interactive means of conducting conference communications.

e. Minutes of each meeting shall include the names of participating members, by what means they were participating, and a report of the roll call on each vote.

Section 3. Special Meetings. Special meetings shall be called by the Executive Administrator at the request of the President, or upon the request of three members of the Board.

Section 4. The Board shall use a consent agenda, whereby those items that require no discussion, no action, or action but no anticipated discussion can be adopted in one motion. A Board member, after reviewing the agenda, may request the removal of an item from the consent agenda for purpose of discussion.

Section 5. Notice of meetings - Request for notice of meetings pursuant to the

Kansas open meetings act should be directed to: Executive Administrator, Board of Nursing LSOB, 900 SW Jackson, Rm 1051, Topeka, Kansas, 66612-1230. Written requests are preferred, but not required.

Section 6. Members of the public may participate at Board or committee meetings only at the discretion of the Board President or Committee Chair. Articles for the public will be available at all meetings.

Section 7. Parliamentary procedure.

a. The Board shall use parliamentary rules of order adopted by the Board.

b. Robert's "Rules of Order, Newly Revised" latest edition, shall govern the proceedings of the Board in all cases not provided for in the parliamentary rules adopted by the Board.

ARTICLE VII. - COMMITTEES

Section 1. The committees serve as an advisory body to the Board.

a. Standing committees shall be Practice/IV Therapy Advisory, Continuing Nursing Education, Advanced Practice, Finance, Investigative, Education, and Certified Nurse-Midwife Council.

b. Committees may submit recommendations to the Board. A Board member will need to make the recommendation in a motion which would then be subject to approval by the entire Board.

c. Committee meetings shall conform to the law regarding open meetings. The dates, times, and places of all committee meetings shall be listed with their agenda.

d. Members of the Board on standing committees shall be appointed by the President in consultation with the Vice President following the annual meeting.

e. Non-Board members shall be appointed to standing committees by the President in consultation with the Vice President, and shall serve for two year terms. Each non-Board committee member shall have qualifications related to the committee of appointment.

f. Appropriate Board staff shall serve as non-voting members of all committees. Board staff or designees shall provide support services to each committee, and prepare and distribute minutes and agendas of each meeting to committee members.

g. Agendas will be prepared in accordance with Agenda Policy (see attachment A).

Section 2. Practice/ IV Therapy Advisory Committee

a. Membership: A minimum of three Board Members, including at least one Practice RN member, one LPN member, and at least five non-Board members engaged in practice and/or IV Therapy.

b. Purpose: To review and recommend revisions in APRN and RNA statutes and regulations. To provide nonbinding guidance on the scope of nursing and LMHT practice in response to written inquiries. To make recommendations to amend the practice act that reflect current nursing and mental health technician practice. To review and recommend revisions in educational statutes and regulations for IV therapy programs. To review educational policies for IV therapy programs; to review all reports and evaluations of IV therapy programs.

Section 3. Continuing Nursing Education Committee

a. Membership: A minimum of three Board Members, including one RN member and three non-board members who are representatives of approved CNE providers.

b. Purpose: To review continuing nursing and mental health technician education; To review and recommend revisions to CNE statues and regulations; To monitor and approve CNE providers for both initial and renewal status; To review statistical information regarding providers of CNE.

Section 4. Advanced Practice

a. Membership: A minimum of three Board Members including at least one APRN member and four non-Board members representing each of the categories of advanced practice registered nurses: clinical nurse specialist, nurse midwife, nurse practitioner, and registered nurse anesthetist.

b. Purpose: To review and recommend revisions to statutes and regulations for approval of APRN and RNA programs in collaboration with the Education Committee.

Section 5. Finance Committee

a. Membership: A minimum of three Board Members.

b. Purpose: To review and project budgetary needs to support agency; To maintain a structured system for monitoring impaired licensees; To review and recommend revisions to the impaired assistance program yearly contract.

c. Fee Fund Balance Guidelines Purpose: The Board has established these guidelines to ensure that the agency maintain a sufficient balance in the fee fund to ensure continuous operation of the agency if there was a decrease in revenue or an emergency in which all equipment, furniture, supplies, office space, etc were destroyed by a natural or manmade disaster. The State of Kansas is self insured and the agency is a fee funded agency which receives no state general funds.

d. Fee Fund Balance Guidelines Policy: The agency is required to submit a biennial

budget. During the budget process, the fee fund is reviewed. The fee fund balance should be reviewed by the Board after budget has been submitted to the Governor and receiving the Governors' Recommendations. The following criteria will be applied to determine the balance to be maintained in the fee fund:

(1) The replacement cost of all physical assets

(2) The cost for temporary relocation of office for up to six months of expenses

(3) Six months of operating expense

Section 6. Investigative

a. Membership: A minimum of three Board Members including at least one RN member.

b. Purpose: To review and recommend revisions in investigative and discipline statutes and regulations. To conduct a review of cases opened by the legal department, determine what type of disciplinary proceeding, and recommend proceedings be initiated. To review and recommend changes to investigative and discipline policies and procedures. To maintain a structured system for monitoring impaired licensees; to review and recommend revisions to the impaired assistance program yearly contract.

Section 7. Education

a. Membership: A minimum of three Board Members including at least two Educator RNs and four non-Board members representing the four types of educational programs: LPN, ADN, BSN, and APRN.

b. Purpose: To review and recommend revisions in educational statutes and regulations for nursing, APRN, RNA, and LMHT programs. To review

educational policies for nursing and LMHT programs; to review all reports, evaluations, and site visits of schools of nursing, APRN, RNA, and LMHT programs.

Section 8. Nurse-midwives Council

a. Membership: A minimum of four non-Board Members who are certified nurse-midwives licensed and appointed by the Board Nursing and a minimum of two members licensed by the board of Healing Arts to practice medicine and surgery and whose specialty and customary practice includes obstetrics, appointed by the Board of Healing Arts.

b. Purpose: The statute establishes a Nurse-midwives Council to advise the Board of Healing Arts in developing, reviewing, and implementing the rules and regulation pertaining to certified nurse-midwives engaging in the independent practice of midwifery.

Section 9. Other Committees

Such other committees, standing or ad hoc, shall be appointed by the President as deemed necessary to carry on the work of the Board. The President shall provide any such committee with a stated purpose or mission.

Section 10. Appointments, Quorum, Annual Reports

a. The President and Executive Administrator shall be ex-officio members of all committees.

b. A quorum of the committees shall consist of a majority of the members. Only committee members duly appointed shall be entitled to vote within the committee. The President may serve as a voting member of any committee in order to establish a quorum. Other Board members may participate but have no vote.

c. In the sustained absence or temporary inability to serve by one committee member, the President shall appoint a new member.

d. Meetings of the committee shall be held at least once each year and whenever deemed necessary by the chairperson of the committee or the Board.

ARTICLE VIII. - AMENDMENTS TO THE BYLAWS

Section 1. Proposals

a. Proposed amendments to the bylaws shall be submitted to the Secretary and sent to each member of the Board by the Secretary at least two weeks prior to the meeting of the Board and shall be included in the agenda of that meeting.

b. The President will form an ad hoc committee of Board members as needed to review bylaws.