

Agency Mission: To assure the citizens of Kansas safe and competent practice by nurses and mental health technicians.

**Kansas State Board of Nursing
Landon State Office Building, Room 509
Board Meeting Agenda
June 14, 2023**

NOTE: The audience may attend in person or via Zoom. Link to access meeting to follow agenda.

Time: 9:15 a.m. – Until Finished

Board Present: Julianna Rieschick, RN, MSN, NEA-BC, President
Rebecca Sander, MSN, RN, Vice President
Andrea Watson, RN, BSN, OCN, CCRP, Secretary
Adri Gouldsmith, LPN
Melissa Oropeza, DNP, APRN-BC, CGRN
Lori Owen, LPN
Michaela Hysten, MSN, BSN, RN
Ruth L.M. Burkhart, DNP, MSN, MA, RN-BC, LPCC
Geovannie Gone, Public Member
Michelle Terry, Public Member
Brenda Sharpe, Public Member

Staff Present: Carol Moreland, MSN, RN, Executive Administrator
Adrian Guerrero, Director of Operations
Linda Davies, BSN, RN, Practice Specialist
Janelle Martin, MHSA, RN, Nursing Education Compliance Officer
Jill Simons, Executive Assistant

- I. Call to Order
- II. Review of Onsite packet
- III. Additions/Revisions to Board Agenda
- IV. Announcements
- V. Approval of Minutes – March 22, 2023

Consent Item Agenda

Agency Reports

- 1. Executive Administrator Report
- 2. Staff Reports

Committee Reports:

- 1. Education Committee – Chair, J. Rieschick
Committee Report
Action Items
- 2. Investigative Committee – Chair, R. Sander
Committee Report

Action items

3. CNE/IV Therapy Advisory Committee – Chair, A. Watson
Committee Report
Action Items
4. APRN Committee – Chair, M. Oropeza
Committee Report
Action Items
5. Practice Committee – Chair, M. Oropeza
Committee Report
Action Items
6. Finance Committee – Chair, J. Rieschick
Committee Report
Action items

Unfinished Business:

1. CE Broker Update
2. Licensing Software Update
3. Report from NCSBN Midyear Meeting
4. Update on K.A.R. 60-2-103
5. 2022 Board Retreat Report
6. Update on Security for retrieving Electronic Education Files on Site Visits

New Business:

1. Draft of revision to K.S.A. 74-1106
2. Public Comments regarding proposed changes to K.A.R. 60-9-105, 60-9-106 & 60-9-107 and further action
3. IV Certification in Kansas on multistate license issued by another NLC member state
4. Update on committee member terms
5. NCLEX Board review

Executive session if needed.

(The meeting will proceed as set by the agenda. Open Forum will be held at 1:00 p.m. when a presenter is scheduled.)

VII. Agenda for September 2023 Board meeting

VIII. Adjourn:

Please Note: Additional items, which have come to the attention of the Board, will be handled as time permits. Agenda is subject to change based upon items to come before the Board.

Handouts or copies of materials brought to the Board or Committees for discussion by committee members or visitors must be submitted to staff 30 calendar days prior to start of the meeting. Any items received after the 30th calendar day may be addressed at the meeting at the discretion of the President of the Board or Chairperson of the Committee.

Any individual with a disability may request accommodation to participate in the board meeting and may request the board packet in an accessible format. Requests for accommodation should be made at least five working days in advance of the board meeting by contacting Jill Simons at (785) 296-5752. Handicapped parking is available at the Landon State Office Building, and the north entrance to the building is accessible to individuals with disabilities.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89234660079?pwd=RIJIMTAwZkRJcGduTzZqLv84SVF1dz09>

Passcode: KsbnBoard

Or One tap mobile :

+13126266799,,89234660079#,,,,*912050046# US (Chicago)

+13462487799,,89234660079#,,,,*912050046# US (Houston)

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 312 626 6799 US (Chicago)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 646 876 9923 US (New York)

+1 646 931 3860 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

Webinar ID: 892 3466 0079

Passcode: 912050046

International numbers available: <https://us02web.zoom.us/j/kc4U4vFWUf>

PAGE LEFT
BLANK
INTENTIONALLY

PAGE LEFT
BLANK
INTENTIONALLY

PAGE LEFT
BLANK
INTENTIONALLY

PAGE LEFT
BLANK
INTENTIONALLY

PAGE LEFT
BLANK
INTENTIONALLY

PAGE LEFT
BLANK
INTENTIONALLY

PAGE LEFT
BLANK
INTENTIONALLY

PAGE LEFT
BLANK
INTENTIONALLY

60-2-103. Nursing program faculty and preceptor qualifications. (a) Professional nursing programs.

(1) Each nurse faculty member shall be licensed as a registered professional nurse in Kansas.

(2) Each preceptor shall meet the following requirements:

(A) Be licensed as a registered professional nurse in the state in which the individual is currently practicing nursing; and

(B) complete a preceptor orientation that includes information about the pedagogical aspects of the student-preceptor relationship and course information.

(3) Each nursing program shall have a written plan that includes the method of selection of preceptors, the roles of the faculty members and preceptors, and the methods of contact between faculty members and preceptors during the preceptorship.

(4) Each nurse faculty member shall have academic preparation and experience as follows:

(A) Each nurse faculty member who is assigned the responsibility of a course shall hold a graduate degree. Each person who is hired as a nurse faculty member shall have a graduate degree in nursing, preferably in the clinical area being taught, except for any person whose graduate degree was conferred before July 1, 2001.

(B) Each nurse faculty member responsible for clinical instruction shall possess a graduate degree or provide to the board a faculty degree plan that projects completion of a graduate degree. Each person who is hired as a nurse faculty member responsible for clinical instruction shall meet one of the following requirements:

(i) Have a graduate degree in nursing, preferably in the clinical area being taught, except for any person whose graduate degree was conferred on or before July 1, 2001; or

(ii) provide to the board a faculty degree plan that projects completion of a graduate degree in nursing.

(b) Practical nursing programs.

(1) Each nurse faculty member shall be licensed as a registered professional nurse in Kansas.

APPROVED

DEC 02 2022

APPROVED

JAN 17 2023

(2) Each preceptor shall meet the following requirements:

(A) Be licensed as a registered professional nurse in the state in which the individual is currently practicing nursing; and

(B) complete a preceptor orientation that includes information about the pedagogical aspects of the student-preceptor relationship and course information.

(3) Each nursing program shall have a written plan that includes the method of selection of preceptors, the roles of the faculty members and preceptors, and the methods of contact between faculty members and preceptors during the preceptorship.

~~(2)~~(4) Each nurse faculty member shall have academic preparation and experience as follows:

(A) Each nurse faculty member who is assigned the responsibility of a course shall hold a baccalaureate degree. Each person who is hired as a nurse faculty member shall have a baccalaureate or higher degree in nursing, except for any person whose degree was conferred on or before July 1, 2001.

(B) Each nurse faculty member responsible for clinical instruction shall possess a baccalaureate degree or provide to the board a faculty degree plan that projects completion of a baccalaureate degree. Each person who is hired as a nurse faculty member responsible for clinical instruction shall meet one of the following requirements:

(i) Have a baccalaureate or higher degree in nursing, except for any person whose degree was conferred on or before July 1, 2001; or

(ii) provide to the board a faculty degree plan that projects completion of a baccalaureate or higher degree in nursing.

(c)(1) For each nursing program, each nursing program administrator shall submit to the board the following:

(A) A faculty qualification report for each faculty member newly employed. Faculty with a continuing appointment shall have an appropriate degree;

APPROVED

DEC 02 2022

APPROVED

JAN 17 2023

DEPT. OF ADMINISTRATION

ATTORNEY GENERAL

(B) a faculty degree plan reflecting completion of the degree within six years for each instructor without the appropriate degree. Upon completion of the degree, a transcript showing completion of the nursing program shall be submitted to the board; and

(C) notification and a rationale for each faculty member who is not following the degree plan as submitted.

(2) The nursing program administrator may request a faculty hire exception to be approved by the board's professional staff, if faculty meeting the criteria specified in this regulation are not available, by providing documentation of the following:

- (A) A lack of qualified applicants;
- (B) a rationale for the need to hire the applicant;
- (C) the applicant's qualifications; and
- (D) a plan for faculty recruitment.

~~This regulation shall be effective on and after January 1, 2022.~~ (Authorized by K.S.A. 65-1129; implementing K.S.A. 65-1119; effective April 4, 1997; amended Jan. 24, 2003; amended January 1, 2022; amended P- _____.)

APPROVED

JAN 09 2023

DEPT. OF ADMINISTRATION

APPROVED

JAN 17 2023

ATTORNEY GENERAL

Kansas State Board of Nursing



Strategic Planning Retreat Report

The Kansas State Board of Nursing ("Board") met February 22-23, 2022, for its strategic planning retreat. Jim Cleghorn served as the facilitator for the retreat. The retreat had two primary objectives: 1) to introduce board members to the role of a board member; and 2) to review and update the Board's strategic plan for 2022-2025.

The Board reviewed each of the existing priorities, objectives and metrics and made the following recommendations:

Priority 1: Promoting Nursing and Allied Health Standards; safe nursing through education, licensure and regulation

1. Enhance collaborative relationships with other nursing and health-related organizations in Kansas.

Board members expressed strong interest in revising the performance assessment to include information regarding marketing the agency. Multiple ideas were discussed that would increase stakeholder knowledge of the Board's work and positive impact on the citizens of Kansas.

Board members discussed how its relationship with the Board of Healing Arts could be strengthened. Members discussed the national Tri-Regulator Collaborative comprised of regulators from medicine, pharmacy and nursing and considered how a similar plan could be implemented in Kansas. This could be quarterly meetings with executive level staff and/or board leadership.

Board members discussed including outreach to the hospital association to provide information regarding licensure processes and to provide education regarding mandatory reporting requirements.

4. Promote safe nursing practice for nurses with multistate licenses.

Board members discussed updating this objective to be focused on providing education regarding the Nurse Licensure Compact.

Priority 2: Fiscal and Human Resources Responsibilities

1. Monitor fiscal impact of NLC implementation.

This objective led to a robust discussion of the Board's fee fund and how that money could and should be utilized. Board members were interested in reviewing additional information regarding appropriate fee fund balances. Members discussed the need for maintaining appropriate cybersecurity infrastructure and discussed the expense for such programs.

Based on the conversation regarding the fee fund usage, the Board may wish to consider updating this objective to more generalized language regarding the Board's financial position (fee fund, ability to self-insure, capital reserves, etc.).

3. Develop succession plans for key board members and agency staff.

Board members discussed the need to update the metrics and performance assessment for this objective. Succession planning could be helpful for board leadership, committee leadership and agency staff.

Board members discussed the desire to schedule a future retreat to facilitate discussion of future topics and additional orientation and onboarding for new members.

4. Recruit, develop and retain qualified staff.

Board members discussed the issue of retaining and recruiting qualified staff and considered some of the barriers, including low salaries. Members considered reviewing the salary structures and pay bands of other fee funded agencies. This information could potentially be utilized to justify salary increases for KSBN staff members.

Board members discussed the difficulty in recruiting registered nurses for vacant investigator positions and considered removing the registered nurse requirement for the position to enable individuals with non-nursing law enforcement backgrounds to be eligible to apply.

5. Appropriate orientation of Board members about responsibilities of serving as a Board member.

Board members discussed the need for additional training regarding information technology resources. Members discussed the usefulness of a follow up orientation meeting after the first board/committee meeting.

6. Maintain superior information technology infrastructure.

Board members heard a presentation regarding two potential licensure and enforcement platforms (System Automation, ORBS). Based on the presentation, members requested additional information regarding both programs to potentially include staff members responsible for the development and implementation of ORBS and staff from boards currently utilizing ORBS.

9. COOP Plan

Board members discussed that this objective may need to be removed from the plan. Members requested that staff share revisions to the existing plan that were made in response to COVID-19.

Priority 3: Maintain Quality Customer Service

Board members discussed updating the metrics and performance assessments to utilize the metrics imbedded in the Board's annual report and performance based budget documents.

2. Potential Nurse Practice Act violations submitted to the Board are reviewed and assessed within six months.

Review of this objective led to a rich discussion regarding existing discipline processes and timelines and how the Board could continue to improve in these areas. Members discussed implementing a second investigative committee. This would enable larger numbers of board members to participate in this vital committee work as well as potentially decrease the amount of time needed to present a case to the committee.

Board members discussed implementing a sanction reference guide to ensure consistency in disciplinary actions. Use of such a tool would also give new board members a guide for appropriate sanction recommendations.

Board members discussed having investigative/enforcement staff contact other boards or consultants for guidance on process improvement. Members also discussed having conversations with board members from other jurisdictions to obtain additional information from the board members perspective.

Board members discussed utilization of emergency suspensions, when appropriate, to increase public protection. Members noted the need to gain additional understanding from the Attorney General's office regarding the threshold for proof and appropriate situations for this sanction.

Board members discussed the importance of including the executive administrator in investigative committee meetings.

3. Information services provided to consumers and nurses are of high quality and are clear, accurate and current.

Board members discussed the need to provide additional information to stakeholders regarding social media accounts. Members also discussed utilizing more frequent social media communication to highlight the Board's work.

Board members discussed the need to create a single page overview of the Board's regulatory work that could be disseminated to legislators and other key stakeholders. Members discussed including the Board's mission on the handout along with a concise performance dashboard. Members discussed outreach opportunities for key legislators and explored how board members could educate legislators on the Board's regulatory work.

Board members discussed collection of workforce information as part of the licensure renewal process and how that information could be shared with stakeholders to include workforce development partners.

5. Communication pathways between board members, agency staff and consumers is consistent and clear.

Board members expressed a need for clarification regarding transmission of emails between their official email accounts and their personal email accounts. Questions arose regarding the appropriateness of forwarding calendar invites and meeting notices versus emails regarding communication regarding specific issues.

Board members discussed ways to strengthen the partnership with the Attorney General's office. Members noted the need for a regular status report from assistant attorney's general regarding board cases.

**BOARD OF NURSING
GENERAL PROVISIONS**

74-1106. Board of nursing; appointment; terms; vacancies; qualification; duties and powers; executive administrator and other employees; rules and regulations; compensation and expenses.

(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 **not** constitute a full term of service on such board **if the remainder of the unexpired term is less than two years.**

(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. 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.

History: (L. 1949, ch. 331, § 2; L. 1956, ch. 52, § 15; L. 1957, ch. 431, § 11; L. 1963, ch. 314, § 10; L. 1965, ch. 506, § 38; L. 1967, ch. 434, § 26; L. 1973, ch. 309, § 25; L. 1973, ch. 310, § 1; L. 1974, ch. 348, § 49; L. 1975, ch. 316, § 12; L. 1978, ch. 308, § 54; L. 1980, ch. 235, § 1; L. 1986, ch. 233, § 5; L. 1987, ch. 234, § 2; L. 1988, ch. 331, § 7; L. 1992, ch. 116, § 34; L. 1993, ch. 194, § 7; L. 1997, ch. 146, § 5; L. 2000, ch. 113, § 5; L. 2001, ch. 5, § 301; L. 2001, ch. 161, § 12; L. 2007, ch. 115, § 1; L. 2011, ch. 114, § 70; Jan. 1, 2012.)

60-9-105. Definitions. ~~For the purposes of these regulations,~~ Each of the following terms, as used in this article of the board's regulations, shall have the meaning specified in this regulation:

(a) "Approval" means the act of determining that a providership application or course offering meets applicable standards based on review of either the total program or the individual offering.

(b) "Approved provider" means a person, organization, or institution that is approved by the board and is responsible for the development, administration, and evaluation of the continuing nursing education (CNE) program or offering.

(c) "Authorship" means a person's development of a manuscript for print or a professional paper for presentation. Each page of text that meets the definition of continuing nursing education (CNE), as defined in K.S.A. 65-1117 and amendments thereto, and is formatted according to the American psychological association's guidelines shall equal three contact hours.

(1) Authorship of a manuscript means a person's development of an original manuscript for a journal article or text accepted by a publisher for statewide or national distribution on a subject related to nursing or health care. Proof of acceptance from the editor or the published work shall be deemed verification of this type of credit. Credit shall be awarded only once per topic per renewal period.

(2) Authorship of a professional research paper means a person's completion of a nursing research project as principal investigator, co-investigator, or project director and presentation to other health professionals. A program brochure, course syllabus, or letter from the offering provider identifying the person as a presenter shall be deemed verification of this type of credit. Credit shall be awarded only once each renewal period.

(d) "Behavioral objectives" means the intended outcome of instruction stated as measurable learning behaviors.

(e) "Certificate" means a document that is proof of completion of an offering consisting of one or more contact hours.

APPROVED

AUG 06 2021

DIVISION OF THE BUDGET

APPROVED

AUG 12 2021

DEPT. OF ADMINISTRATION

APPROVED

OCT 06 2022

ATTORNEY GENERAL

Board 22

(f) "CE transcript" means a document that is proof of completion of one or more CNE offerings. Each CE transcript shall be maintained by a CNE provider.

(g) "Classic reference" means a book published more than 10 years ago or a periodical published more than five years ago, either of which is the most current available source with a recognized value pertinent to the content of an offering.

(h) "Clinical hours" means planned learning experiences in a clinical setting. Three clinical hours equal one contact hour.

(h) (i) "College course" means a class taken through a college or university, as described in K.S.A. 65-1119 and amendments thereto, and meeting the definition of CNE in K.S.A. 65-1117, and amendments thereto. One college credit hour equals 15 contact hours.

(i) (j) "Computer-based instruction" means a learning application that provides computer control to solve an instructional problem or to facilitate an instructional opportunity.

(i) (k) "Contact hour" means 50 total minutes of participation in a learning experience that meets the definition of CNE in K.S.A. 65-1117, and amendments thereto. Fractions of hours ~~over~~ 30 minutes or greater to be computed towards a contact hour shall be accepted.

(k) (l) "Distance learning" means the acquisition of knowledge and skills through information and instruction delivered by means of a variety of technologies.

(l) (m) "Independent study" means a self-paced learning activity undertaken by the participant in an unstructured setting under the guidance of and monitored by an approved provider. This term shall include self-study programs, distance learning, and authorship.

(m) (n) "Individual offering approval" and "IOA" mean a request for approval of an education offering meeting the definition of CNE, pursuant to K.S.A. 65-1117 and amendments thereto, but not presented by an approved provider or other acceptable approving body, as described in K.S.A. 65-1119 and amendments thereto.

APPROVED

OCT 11 2021

APPROVED

OCT 13 2021

APPROVED

OCT 06 2022

(~~h~~) (o) "In-service education" and "on-the-job training" mean learning activities in the work setting designed to assist the individual in fulfilling job responsibilities. In-service education and on-the-job-training shall not be eligible for CNE credit.

(p) "Mergener formula" means a formula utilized to recognize the amount of continuing education credit provided by a program based upon the material utilized when measured against complexity, time, questions, and participant feedback.

(~~e~~) (q) "Offering" means a single CNE learning experience designed to enhance knowledge, skills, and professionalism related to nursing. Each offering shall consist of at least 30 minutes to be computed towards a contact hour.

(~~p~~) (r) "Orientation" means formal or informal instruction designed to acquaint employees with the institution and the position. Orientation shall not be considered CNE.

(q) ~~"Program" means a plan to achieve overall CNE goals.~~

(~~r~~) (s) "Refresher course" means a course of study providing review of basic preparation and current developments in nursing practice.

(~~s~~) (t) "Total program evaluation" means a systematic process by which an approved provider analyzes outcomes of the overall CNE program in order to make subsequent decisions. (Authorized by and implementing K.S.A. ~~2015~~ 2021 Supp. 65-1117 and K.S.A. 65-1119; effective Sept. 2, 1991; amended March 9, 1992; amended April 26, 1993; amended April 3, 1998; amended April 20, 2001; amended Oct. 25, 2002; amended March 6, 2009; amended May 10, 2013; amended April 29, 2016; amended P-_____.)

APPROVED

DEC 22 2021

DIVISION OF THE BUDGET

APPROVED

DEC 22 2021

DEPT. OF ADMINISTRATION

APPROVED

OCT 06 2022

ATTORNEY GENERAL

60-9-106. Continuing nursing education for license renewal. (a) At the time of license renewal, any licensee may be required to submit proof of completion of 30 contact hours of approved continuing nursing education (CNE). This proof shall be documented as follows:

(1) For each approved CNE offering, a certificate or a transcript that clearly designates the number of hours of approved CNE that have been successfully completed, showing the following:

- (A) Name of CNE offering;
- (B) provider name or name of the accrediting organization;
- (C) provider number or number of the accrediting organization, if applicable;
- (D) offering date;
- (E) number of contact hours awarded; and
- (F) the licensee's name and license number as shown on the course roster; or

(2) an approved Kansas state board of nursing IOA, which shall include approval of college courses that meet the definition of continuing education in K.S.A. 65-1117, and amendments thereto.

(b) The required 30 contact hours of approved CNE shall have been completed during the most recent prior licensing period between the first date of the licensing period and the date that the licensee submits the renewal application as required in K.S.A. 65-1117, and amendments thereto, and K.A.R. 60-3-108. Contact hours accumulated in excess of the 30-hour requirement shall not be carried over to the next renewal period.

(c) Acceptable CNE may include any of the following:

(1) An offering presented by an approved long-term or single provider or national organization whose focus is patient safety and improving nursing practice, including the following: American academy of nurse practitioners, American association of critical-care nurses, American midwifery certification board, American nurses association, American nurses credentialing center, emergency nurses association, national board of certification and recertification for nurse anesthetists, and pediatric nursing certification board;

(2) an offering as designated in K.S.A. 65-1119, and amendments thereto;

APPROVED

AUG 25 2022

DEPT. OF ADMINISTRATION

APPROVED

OCT 06 2022

ATTORNEY GENERAL

(3) an offering for which a licensee has submitted an IOA, which may include credit requested for a college course that meets the definition of continuing education in K.S.A. 65-1117, and amendments thereto. Before licensure renewal, the licensee may submit an application for an IOA to the board, accompanied by the following:

(A) A rationale statement that applies the meaning of continuing nursing education, as defined in K.S.A. 65-1113 (h) or continuing education, as specified in K.S.A. 65-1132 (a)(2) and amendments thereto;

(B) an agenda representing exact learning time in minutes;

~~(B)~~ (C) official documentation of successfully completed hours, which may include a certificate of completion or an official college transcript; and

~~(C)~~ (D) learning or behavior objectives describing learning outcomes;

(4) a maximum of 15 contact hours for the first-time preparation and presentation as an instructor of an approved offering to licensed nurses. Two contact hours of instructor credit shall be granted for each hour of presentation;

(5) an offering utilizing a board-approved curriculum developed by the American heart association, emergency nurses association, or Mandt, which may include the following:

(A) Advanced cardiac life support;

(B) emergency nursing pediatric course;

(C) pediatric advanced life support;

(D) trauma nurse core course;

(E) neonatal resuscitation program; or

(F) Mandt program;

(6) independent study;

(7) distance learning offerings;

(8) a board-approved refresher course if required for licensure reinstatement as specified in K.A.R. 60-3-

APPROVED

AUG 25 2022

DEPT. OF ADMINISTRATION

APPROVED

OCT 06 2022

ATTORNEY GENERAL

105 and K.A.R. 60-11-116;

(9) participation as a member of a nursing organization board of directors or the state board of nursing, including participation as a member of a committee reporting to the board. The maximum number of allowable contact hours shall be six and shall not exceed three contact hours each year. A letter from an officer of the board confirming the dates of participation shall be accepted as documentation of this type of CNE; or

(10) any college courses in science, psychology, sociology, or statistics that are prerequisites for a nursing degree.

(d) Fractions of hours ~~over~~ 30 minutes or greater to be computed towards a contact hour shall be accepted.

(e) A maximum of 15 contact hours shall be accepted for renewal of certification in advanced cardiac life support (ACLS), pediatric advanced life support (PALS), or similar standardized recertification courses developed by the American heart association, emergency nurses association, or Mandt each licensing period.

(f) Contact hours shall not be recognized by the board for any of the following:

(1) Identical offerings completed within a renewal period;

(2) offerings containing the same content as that of courses that are part of basic preparation at the level of current licensure ~~or certification~~;

(3) in-service education, on-the-job training, orientation, and institution-specific courses;

(4) an incomplete or failed college course or any college course in literature and composition, public speaking, basic math, algebra, humanities, or other general education requirements unless the course meets the definition of CNE;

(5) offerings less than 30 minutes in length; or

(6) a board-approved refresher course for license renewal. (Authorized by and implementing K.S.A. 2015 2021 Supp. 65-1117; effective Sept. 2, 1991; amended April 3, 1998; amended April 20, 2001; amended July 20, 2007; amended May 10, 2013; amended April 29, 2016; amended P-_____.)

APPROVED

AUG 25 2022

DEPT. OF ADMINISTRATION

APPROVED

OCT 06 2022

ATTORNEY GENERAL

60-9-107. Approval of continuing nursing education. (a) ~~Offerings of approved providers shall be recognized by the board.~~ Each person, organization, or institution wanting to become an approved provider shall meet the following requirements:

(1) Long-term provider. A completed application for initial approval or five-year renewal for a long-term continuing nursing education (CNE) providership shall be submitted to the board at least 60 days before a scheduled board meeting.

(2) Single offering provider. The application for a single CNE offering shall be submitted to the board at least 30 days before the anticipated date of the first offering.

(b) Each applicant shall include the following information on the application:

(1)(A) The name and address of the organization; and

(B) the name and address of the department or unit within the organization responsible for approving CNE, if different from the name and address of the organization;

(2) the name, education, and experience of the program coordinator responsible for CNE, as specified in subsection (c);

(3) written policies and procedures, including at least the following areas:

(A) Assessing the need and planning for CNE activities;

(B) fee assessment;

(C) advertisements, or offering announcements, and certificates of completion. Published information and each certificate of completion shall contain the following statement: "~~(name of provider)~~ [Name of provider] is approved as a provider of CNE by the Kansas State Board of Nursing. This course offering is approved for contact hours applicable for [specify each applicable license type: APRN, RN, or LPN, or LMHT] relicensure. Kansas State Board of Nursing provider number: _____";

(D) for long-term providers, the offering approval process as specified in subsection (d);

(E) awarding contact hours, as specified in subsection (e);

APPROVED

OCT 11 2021

DIVISION OF THE BUDGET

APPROVED

OCT 13 2021

DEPT. OF ADMINISTRATION

APPROVED

OCT 06 2022

ATTORNEY GENERAL

Board 28

(F) verifying participation and successful completion of the offering, as specified in subsections (f) and (g);

(G) recordkeeping and record storage, as specified in subsection (h);

(H) notice of change of coordinator or required policies and procedures. The program coordinator shall notify the board in writing of any change of the individual responsible for the providership or required policies and procedures within 30 days; and

(I) for long-term providers, a copy of the total program evaluation plan; and

(4) the proposed CNE offering, as specified in subsection (i).

(c)(1) Long-term provider. The program coordinator for CNE shall meet ~~these~~ the following requirements:

(A) Be a licensed professional nurse;

(B) have three years of clinical experience;

(C) have one year of experience in developing and implementing nursing education; and

(D) have a baccalaureate degree in nursing, except those individuals exempted under K.S.A. 65-1119

~~(e)(6)~~ and amendments thereto.

(2) Single offering provider. If the program coordinator is not a nurse, the applicant shall also include the name, education, and experience of the nurse consultant. The individual responsible for CNE or the nurse consultant shall meet ~~these~~ the following requirements:

(A) Be licensed to practice nursing; and

(B) have three years of clinical experience.

(d) For long-term providers, the policies and procedures for the offering approval process shall include the following:

(1) A summary of the planning;

(2) the behavioral objectives;

APPROVED

OCT 11 2021

DIVISION OF THE BUDGET

APPROVED

OCT 13 2021

DEPT. OF ADMINISTRATION

APPROVED

OCT 06 2022

ATTORNEY GENERAL

Board 29

(3) the content, ~~which shall meet the definition of CNE in K.S.A. 65-1117 and amendments thereto;~~
(4) the instructor's education and experience, documenting knowledge and expertise in the content area;
(5) a current bibliography that is reflective of the offering content. The bibliography shall include books published within the past 10 years, periodicals published within the past five years, or both. Classic references, if included, shall be limited to less than 25 percent of the bibliography; and

(6) an offering evaluation that includes each participant's assessment of the following:

(A) The achievement of each objective; and

(B) the expertise of each individual presenter.

(e) An approved provider may award any of the following:

(1) Contact hours as documented on an offering agenda for the actual time attended, including partial credit for ~~one or more contact hours~~ fractions of hours 30 minutes or greater to be computed towards a contact hour;

(2) ~~credit for fractions of hours over 30 minutes to be computed towards a contact hour;~~

(3) ~~(2)~~ instructor credit, which shall be twice the length of the first-time presentation of an approved offering, excluding any standardized, prepared curriculum;

(4) ~~(3)~~ independent study credit that is based on the time required to complete the offering, as documented by the provider's pilot test results or determined by the Mergener formula; or

(5) ~~(4)~~ clinical hours.

(f)(1) Each provider shall maintain ~~documentation~~ a daily roster to verify that each participant attended the offering. ~~The provider shall require each participant to sign a daily roster, which.~~ The roster shall contain the following information:

(A) The provider's name, address, provider number, and coordinator;

(B) the date and title of the offering, and the presenter or presenters; and

(C) the participant's name and license number, and the number of contact hours awarded.

APPROVED

OCT 11 2021

DIVISION OF THE BUDGET

APPROVED

OCT 13 2021

DEPT. OF ADMINISTRATION

APPROVED

OCT 06 2022

ATTORNEY GENERAL

(2) Each provider shall maintain documentation to verify completion of each independent study offering, if applicable. To verify completion of an independent study offering, the provider shall maintain documentation that includes the following:

- (A) The provider's name, address, provider number, and coordinator;
- (B) the participant's name and license number, and the number of contact hours awarded;
- (C) the title of the offering;
- (D) the date on which the offering was completed; and
- (E) either the completion of a posttest or a return demonstration.

(g)(1) A certificate of attendance shall be awarded to each participant after completion of an offering, or a CE transcript shall be provided according to the policies and procedures of the ~~long-term~~ approved provider.

(2) Each certificate and each CE transcript shall be complete before distribution to the participant.

(3) Each certificate and each CE transcript shall contain the following information:

- (A) The provider's name, address, and provider number;
- (B) the title of the offering;
- (C) the date or dates of attendance or completion;
- (D) the number of contact hours awarded and, if applicable, the designation of any independent study or instructor contact hours awarded;

(E) the handwritten or electronic signature of the individual responsible for the providership; and

(F) the name and license number of the participant; and

(G) the following statement: "[Name of provider] is approved as a provider of CNE by the Kansas State Board of Nursing. This course offering is approved for contact hours for [specify each applicable license type: APRN, RN, LPN or LMHT] relicensure. Kansas State Board of Nursing provider number _____."

(h)(1) For each offering, the approved provider shall retain the following for two years:

APPROVED

AUG 06 2021

APPROVED

AUG 12 2021

APPROVED

OCT 06 2022

- (A) A summary of the planning;
- (B) a copy of the offering announcement or brochure;
- (C) the title and objectives;
- (D) the offering agenda or, for independent study, pilot test results;
- (E) a bibliography;
- (F) a summary of the participants' evaluations;
- (G) each instructor's education and experience; and
- (H) documentation to verify completion of the offering, as specified in subsection (f).

(2) The record storage system used shall ensure confidentiality and easy retrieval of records by authorized individuals.

(3) Each approved single offering CNE provider shall submit to the board ~~the original signature roster~~ and a typed, alphabetized roster of the individuals who have completed an offering, within 15 working days of course completion.

(i)(1) Long-term provider application. The provider shall submit two proposed offerings, including the following:

- (A) A summary of planning;
- (B) a copy of the offering announcement or brochure;
- (C) the title and behavioral objectives;
- (D) the offering agenda or, for independent study, pilot test results;
- (E) each instructor's education and experience;
- (F) a current bibliography, as specified in paragraph (d)(5); and
- (G) the offering evaluation form.

(2) Single offering provider application. The provider shall submit the proposed offering, which shall include the information specified in paragraphs (i)(1)(A) through (G).

APPROVED
OCT 11 2021

DIVISION OF THE BUDGET

APPROVED
OCT 13 2021

DEPT. OF ADMINISTRATION

APPROVED
OCT 06 2022

ATTORNEY GENERAL

Board 32

(j)(1) Long-term provider application. Each prospective coordinator who has submitted an application for a long-term CNE providership that has been reviewed once and found deficient, or has approval pending, shall submit all materials required by this regulation at least two weeks before the next board meeting. If the application does not meet all of the requirements or the prospective coordinator does not contact the board for an extension on or before this deadline, the application process shall be considered abandoned. A new application and fee shall be submitted if the prospective coordinator still wants a providership ~~is still desired~~.

(2) Single offering approval application. If the application for a single offering has been reviewed and found deficient, or has approval pending, the CNE coordinator shall submit all materials required by this regulation before the date of offering. If the application does not meet the requirements before the offering deadline, the application shall be considered abandoned. There shall be no retroactive approval of single offerings.

(k)(1) Each approved long-term provider shall pay a fee for the upcoming year and submit an annual report for the period of July 1 through June 30 of the previous year on or before the deadline designated by the board. The annual report shall contain the following:

- (A) An evaluation of all the components of the providership based on the total program evaluation plan;
- (B) a statistical summary report; and
- (C) for each of the first two years of the providership, a copy of the records for one offering as specified in paragraphs (h)(1)(A) through (H).

(2) If approved for the first time after January 1, a new long-term provider shall submit only the statistical summary report and shall not be required to submit the annual fee or evaluation based on the total program evaluation plan.

(l)(1) If the long-term provider does not renew the providership, the provider shall notify the board in writing of the location at which the offering records will be accessible to the board for two years.

APPROVED
AUG 06 2021

DIVISION OF THE BUDGET

APPROVED
AUG 12 2021

DEPT. OF ADMINISTRATION

APPROVED
OCT 06 2022

ATTORNEY GENERAL

Board 33

(2) If a provider does not continue to meet the criteria for current approval established by regulation or if there is a material misrepresentation of any fact with the information submitted to the board by an approved provider, approval may be withdrawn or conditions relating to the providership may be applied by the board after giving the approved provider ~~notice and an opportunity to be heard~~ provide a written response.

(3) Any approved provider that has voluntarily relinquished the providership or has had the providership withdrawn by the board may reapply as a long-term provider. The application shall be submitted on forms supplied by the board and accompanied by the designated, nonrefundable fee as specified in K.A.R. 60-4-103(a)(3). (Authorized by and implementing ~~K.S.A. 2011 Supp. 65-1117~~ and K.S.A. 65-1119 and K.S.A. 65-1129; effective March 9, 1992; amended Sept. 27, 1993; amended April 3, 1998; amended Oct. 25, 2002; amended March 6, 2009; amended May 10, 2013; amended P-_____.)

APPROVED
APPROVED
NOV 17 2021
NOV 17 2021

APPROVED
NOV 19 2021

APPROVED
OCT 06 2022

DIVISION OF THE BUDGET
DIVISION OF THE BUDGET

DEPT. OF ADMINISTRATION

ATTORNEY GENERAL

Board 34



Kansas Legislative Research Department

*Providing nonpartisan, objective research and fiscal
analysis for the Kansas Legislature since 1934*

68-West-Statehouse | 300 SW 10th Ave. | Topeka, Kansas 66612-1504
(785) 296-3181

kslegres@klrd.ks.gov

kslegislature.org/klrd

February 17, 2023

To: Kansas Legislature

From: Jill Shelley, Principal Research Analyst

Re: Report of the February 10, 2023, Meeting of the Joint Committee on Administrative Rules and Regulations

With this report, the Joint Committee on Administrative Rules and Regulations (Committee) provides its comments on rules and regulations reviewed at its meeting of February 10, 2023. Agencies are asked to respond to each comment or request for information; responses are compiled and maintained by staff of the Kansas Legislative Research Department.

Real Estate Appraisal Board

KAR 117-7-1, fees; KAR 117-20-4, fees.

The Committee had no comments.

Board of Examiners in Optometry

KAR 65-4-3, fees.

The Committee had no comments.

Kansas State Board of Healing Arts

KAR 100-54-13, professional liability insurance [occupational therapist].

The Committee requests information on whether policies that meet the minimum insurance requirements for an individual occupational therapist in private practice, for which premiums are cheaper than for policies providing required coverage obtained through an individual's employer, will entice occupational therapists into private practice and what impact such change would have on the quality of care available in Kansas.

Kansas Department of Wildlife and Parks

KAR 115-8-9, camping; KAR 115-8-23, bait; hunting; KAR 115-8-25, trail or game cameras and other devices.

The Committee had no comments.

Kansas Department of Health and Environment

KAR 28-15-56, project eligibility.

The Committee requests information on the definition of "significant noncompliance" in paragraph (a)(2); whether "other procedures" in paragraph (a)(3) includes any requirements related to environmental, social, and governance (ESG) concerns; and the role of the U.S. Environmental Protection Agency in determining eligibility for a Kansas program and whether that determination of eligibility cedes authority to the federal agency.

Secretary of State

KAR 7-21-5, electronic poll book signatures; KAR 7-29-3, ballot secrecy; KAR 7-45-2, oversight of authorized poll agents.

The Committee had no comments.

Board of Nursing

KAR 60-9-105, definitions; KAR 60-9-106, continuing nursing education for license renewal; KAR 60-9-107, approval of continuing nursing education.

The Committee had no comments.

Kansas Department of Revenue

Revocations related to tax-provision statutes that have expired or have been repealed: KAR 92-2-54, 92-2-56 through 92-2-84 (Kansas inheritance/estate tax; the authorizing and implementing statutes have been repealed); KAR 92-26-1 through 92-26-7 (Agricultural Ethyl Alcohol Producer Incentive; the authorizing and implementing statutes are expired); KAR 82-27-1 through 92-27-5 (Biodiesel Fuel Producer Incentive; the authorizing statute is expired).

The Committee notes all government entities need to review their documents, such as regulations and statutes, and remove those no longer needed.

Committee Terms Expiring September 2023

APRN Committee:

- All non-board committee members' terms expire in 2023
- Two are eligible for reappointment, if submit applications

CNE/IV Therapy Committee:

- Two out of three non-board committee members' terms expire in 2023
- Neither are eligible for reappointment

Education Committee:

- Two out of four non-board committee members' terms expire in 2023 (ADN & Grad)
- Neither are eligible for reappointment

Investigative Committee:

- No non-board members are on this committee

Finance Committee:

- No non-board members are on this committee

Practice Committee:

- All five non-board committee members' terms expire in 2023
- Three are eligible for reappointment, if submit applications

Agency Mission: To assure the citizens of Kansas safe and competent practice by nurses and mental health technicians.

Kansas State

Board of Nursing

Articles



Adopted July 2001, Revised June 2021

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, Continuing Nursing Education/TV Therapy, 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 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.

Section 3. Continuing Nursing Education/ IV Therapy 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. 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 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.