

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
Practice Committee Agenda
March 26, 2023**

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

Time: 3:00 p.m. – 4:00 p.m.

Committee Members: Lori Owen, LPN, Chair
Michelle Terry, Public Member, V. Chair
Melissa Oropeza, DNP, APRN-BC, CGRN – approved with prior notice
Amy Renn, MSN, RN
Gregg Morris, BSN, RN, CWCN, OMS
Brian Feldt, RN
Melanie Burnett, MSN, RN

Staff: Linda Davies, MSN, BSN, RN, Practice Specialist
Jill Simons, Executive Assistant

- I. Quorum (minimum of 4 members present) – Yes or No
- II. Call to Order
- III. Review Onsite Packet
- IV. Additions/Revisions to Agenda
- V. Announcements
- VI. Approval of Minutes – December 12, 2023

Consent Item Agenda

- 1. Practice Calls Report

VII. Unfinished Business

- 1. New Regulations Review Process to be completed by March 2025 (0 of 27 completed)
 - Review Final comments:
 - a. K.A.R. 60-3-101 – Licensure
 - b. K.A.R. 60-3-102 – Duplicate of license
 - c. K.A.R. 60-3-103 – Change of name
 - d. K.A.R. 60-3-105 - Reinstatement of license
 - e. K.A.R. 60-3-106 – Licensure qualifications
 - f. K.A.R. 60-3-106a – Temporary permit
 - g. K.A.R. 60-3-107 – Expiration dates of licenses

- Review for Initial comments:
 - h. K.A.R. 60-3-108 – Expiration date initial
 - i. K.A.R. 60-3-109a – Standards of practice
 - j. K.A.R. 60-3-111 – Inactive license
 - k. K.A.R. 60-3-112 – Exempt license
 - l. K.A.R. 60-3-113 – Report of certain misdemeanor convictions
 - m. K.A.R. 60-3-114 – Completion of a refresher course
- Schedule for review:
 - n. K.A.R. 60-15-101 – Definitions and functions
 - o. K.A.R. 60-15-102 – Delegation procedures
 - p. K.A.R. 60-15-103 – Supervision of delegated tasks
 - q. K.A.R. 60-15-104 – Medication administration in a school
 - r. K.A.R. 60-7-101 – Licensure
 - s. K.A.R. 60-7-102 – Duplicate of initial license
 - t. K.A.R. 60-7-103 – Change of name
 - u. K.A.R. 60-7-104 – Reinstatement of license
 - v. K.A.R. 60-7-105 – Standards of practice
 - w. K.A.R. 60-7-106 – Unprofessional conduct
 - x. K.A.R. 60-7-108 – Inactive license
 - y. K.A.R. 60-7-109 – Exempt license
 - z. K.A.R. 60-7-110 – Expiration dates of licenses / applications
 - aa. K.A.R. 60-7-111 – Reporting certain misdemeanor convictions

VIII. New Business

1. IV Hydration Clinics
2. Five-year Statute Regulation Review
 - a. K.S.A. 65-1115 – RN licensure
 - b. K.S.A. 65-1116 – LPN licensure
 - c. K.S.A. 65-1117 – Renewal; CNE
 - d. K.S.A. 65-1166 – Nurse Licensure Compact

IX. Agenda for June 2024 Committee meeting

X. Adjournment

Committee Responsibilities:

To review and recommend revisions in RN, LPN and LMHT 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.

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.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/82953456476?pwd=S3lrUmpmTFdLcllrOUFvV1dudzdHZZ09>

Passcode: KsbnPCComm

Or One tap mobile :

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Kansas Board of Nursing

Practice Call Data

2023-2024

Month	Total 2023		Total 2024
Jan 2023	68		58
Feb	62		61
March	69		
April	73		
May	75	New Grads	
June	81	New Grads	
July	49	APRN FPA	
Aug	132	APRN FPA	
Sept	107		
Oct	83		
Nov	39		
Dec	45		
Total	883		
Avg/month	74		

Questions:

APRN's: Scope of practice referred to K.S.A. 65-1130 (education, training, certification) **specific role and population focus**, Women's Health NP wants to be hired as Psych Mental Health NP, NP wants to dispense meds, starting a business, licensing in Kansas, Independent practice, starting IV hydration clinic, schedule 2 narcotics with patient living in MO; **requirements to give Botox; mental health tx transgender of an 18 yr old without parent consent**; Starting IV vitamin clinic; RN leaving a nontrain person drawing blood; Prescribing; telehealth, Independent practice, CEU's, Licensing, clinic using suboxone, IV hydration & how to maintain narcotics, Med spa, DEA and Botox, Red Cross volunteer in disasters, board certification vs licensure, malpractice

RNs: Marijuana and agency nursing, pt abandonment, scope of practice re chest tubes in LTC, starting a business, does reporting to DCF break HIPAA, School nurse and NG tube placement; clinic for facial; **pronouncing death**; are RN required to work as CNA if census is low; Scope of practice regarding medication assistance; wanting to provide home care; policy on COVID; Scope of practice for med spas, charitable nursing, HIPAA, mandatory reporting, NLC ULR – nurse licensure compact and uniform licensing requirements, hydrofacial in a salon, alcohol -domestic violence, school nurse & naloxone, facility refusing to allow staff to feed a resident, footcare, billing for a hearing test

LPN's: TB skin testing, predetermination of licensure, drawing up morphine to have a CNA give under the tongue with a hospice patient, scope of practice, traveling with a patient

Other :

Facility: supervision, delegation, scope of practice, APRN collaborative practice, med admin of Ketamine, Determination of Death

- Referred to Scope of Practice Decision Tree

Facility: How to report unprofessional conduct

- Referred to Complaint forms that are on the KSBN website

Facility: How to learn of licensee's discipline background

- Educated facility on NURSYS eNotify

Hospital: APRN qualifications, collaborating physician

Pharmacy: Prescription authority

Physician: Death Determination, can RN fit respirators, independent practice for APRN's

Family: APRN over a family member who is an RN, nurse gave meds to a family member to give without labeling medication; documented meds given before given

VA: is it required of APRN to check K Tracks, Telehealth

Other: Asking about drawing blood without a license

Attorney: Med spa

Previous Questions with Updates:

Pre-employment screen and reporting of marijuana:

- Currently reviewing NCSBN Guidelines for case investigation

License status – Question by facilities:

- Education re NURSYS eNotify for the employer (see attached)
- There is also NURSYS eNotify for the licensee

Where to find Assistance on KSBN Website:

- Newsletter article
- Reviewing FAQ for update
 - o See attached APRN FAQ

Abbreviations:

- Nurse Journal listing of commonly used abbreviations: <https://nursejournal.org/resources/nursing-and-healthcare-acronyms-and-abbreviations/>
- The Joint Commission has a standard list of "Do Not Use" abbreviations but not necessarily a standard approved list. <https://www.jointcommission.org/standards/standard-fags/hospital-and-hospital-clinics/information-management-im/000001457/>

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- APRN data and updates from participating boards of nursing*
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- APRN data and updates from participating boards of nursing*

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to easily identify yourself to applications and processes without
providing detailed information.

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* See nursys.com for participating BONs.



Advanced Practice FAQs

These are common questions asked regarding advanced practice licensure and practice:

1. **I am applying for an APRN license and have a multistate license in the state in which I reside, do I need to get a single state RN license?** No, you do NOT need to apply for a Kansas single state RN license, just the APRN license. Kansas is a member state of the NLC, so a multistate RN license from the state in which you reside is accepted in Kansas.
2. **I submitted fingerprints when I obtained my RN license from Kansas, do I need to submit fingerprints when I apply for an APRN license?** Fingerprints ARE required for an APRN license, even if you have prints on record for your RN license. The APRN license is a new license.
3. **I am already licensed as an APRN in Kansas, and I have obtained a new specialty. What do I need to do to get the new specialty added to my APRN license?** If you have obtained a new specialty and are already licensed as an APRN in Kansas, you do NOT need to apply for a new license. Please contact your school of nursing and request that official transcripts, that reflect the education for the new specialty, be sent to KSBN and we can add that new specialty to your existing license.
4. **I am applying for an APRN license; however, I do not have malpractice insurance. What should I do?** Malpractice insurance is required at the time of licensure – not at submission of application. If you do not have it and are actively looking for employment, the best option is to apply for the temporary permit that will give you 180 days to start work to obtain the malpractice insurance, which is needed for your permanent APRN licensure.
5. **How do I provide information about the required malpractice insurance when applying for an initial APRN license or renewing my APRN license?** The information you need to provide on the application is the company name and policy number. If you have provided this information with your application, you do not need to send anything further to KSBN.
6. **I have an APRN license, but I am not presently practicing as an APRN; do I need to have malpractice insurance?** When renewing an APRN license, malpractice insurance is NOT required if you are not rendering clinical services as an APRN. You are free to skip the question about malpractice insurance and continue to renew if you want your license to be active. When you start rendering clinical services as an APRN, you can send us your malpractice information when it becomes available, and we can put it in your licensure file.
7. **Can KSBN tell me where I can get malpractice insurance?** KSBN does not have anything to do with where you should get malpractice insurance. You might check with your employer to see if they can guide you.
8. **I want to do something in my practice that is not addressed in the Nurse Practice Act under my scope of practice. Can KSBN tell me if it is acceptable if I include this in my practice?** KSBN staff can tell you what the Nurse Practice Act states. KSBN staff are not permitted to do a legal interpretation for you about some practice that is not addressed in the Nurse

Practice Act. If you are wanting to include something in your practice that is not addressed in the Nurse Practice Act, you need to consult with a private attorney, at your cost, to interpret the law for you based on what you are wanting to include in your practice. Do not expect the KSBN staff to give legal advice. That is not our role, and we are not attorneys.

9. **What National Certifications are accepted by KSBN for APRN licensure? Your certification must be a KSBN Approved National Certification Organization.** The approved KSBN National Certification Organizations are as follows: American Academy of Nurse Practitioners Certification Board (AANPCB), American Association of Critical-Care Nurses (AACN), American Midwifery Certification Board (AMCB), American Nurses Credentialing Center (ANCC), National Board of Certification & Recertification for Nurse Anesthetists (NBCRNA), National Certification Corporation (NCC), Pediatric Nursing Certification Board (PNCB)

10. **As an APRN, am I required to have a collaborative practice agreement?** It depends. KS became a Full Practice Authority state for APRN practice on July 1, 2022. Some facilities, insurance companies, medical malpractice carriers, etc. may still require a collaborative agreement. KSBN staff are not licensed attorneys and will not interpret the KS Nurse Practice Act, which is law. If you feel you need legal advice, please contact an attorney, at your own expense, for guidance.

11. **How can an APRN have a Pharmacy License to dispense medications?** This is a question for the KS State Board of Pharmacy.

12. **How do I set up my clinical practice?** KSBN has authority over the licensee; KSBN has no authority over a business. KSBN staff are not licensed attorneys and will not interpret the KS Nurse Practice Act, which is law. If you feel you need legal advice, please contact an attorney, at your own expense, for guidance.

13. **As an APRN, can I compound medications?** Pharmacists are licensed to compound medications.

14. **I was trained as a Family Nurse Practitioner (FNP) but want to work as a Psychiatric Mental Health Nurse Practitioner (PMHNP).** Please see K.S.A. 65-1130 (b); (2) (A) On and after July 1, 2023, an applicant for initial licensure as an advanced practice registered nurse shall have a current advanced practice registered nurse certification in such applicant's specific role and population focus that has been granted by a national certifying organization recognized by the board and whose certification standards are approved by the board as equal to or greater than the corresponding standards established by the board; and (B) an advanced practice registered nurse whose initial licensure is prior to July 1, 2023, may submit evidence of such certification to the board upon renewal.

KSBN Regulation Review Form

Part 1 (completed by agency staff):

Regulation Number: 60

Article Title: 3

Rule and Reg Title: 101 Licensure

Type (New/Amended): Amended May 6, 2022

Effective Date (history): Jan. 1, 1966

Authorizing K.S.A. 65-1129, K.S.A. 2021 Supp. 48-3406, and K.S.A. 74-1106

Implementing K.S.A. 2021 Supp. 48-3406, K.S.A. 65-115, K.S.A. 65-116, K.S.A.65-118, and K.S.A. 74-1112

Part 2 (completed by committee members):

Necessity:

1. Is the rule and regulation necessary for the implementation and administration of state law? Y ☒ or N ☐
2. Does the rule and regulation service an identifiable public purpose in support of state law? Y ☒ or N ☐

Potential for Revocation:

1. Briefly describe how revocation would affect Kansans (max. 800 characters)
Enusres all new nursing applicants know expections regarding testing and certification for the state of Kanadas
Helps to clearly explain standards that must be met to work as a nursing professional in the state of Kansas
Ensures criminal check for all new incoming nursing professionals prior to joining the healthcare workforce in the state of Kansas
2. Is the rule and regulation being revoked? Y ☐ or N ☒
3. If the rule and regulation is not in active use, would revocation require a change to the authorizing or implementing statute? Y ☐ or N ☐
4. If the rule and regulation is not in active use and revocation would require a change in the authorizing or implementing statute, which changes? (max. 400 characters)
NA

Additional information:

Additional information necessary to understanding the necessity of the rule and regulation (max. 1,200 characters)

Committee: Practice

Chair: Lori Owen

Date:

KSBN Regulation Review Form

Part 1 (completed by agency staff):

Regulation Number: 60

Article Title: 3

Rule and Reg Title: 102 Duplicate of initial license

Type (New/Amended): Amended April 29, 2016

Effective Date (history): Jan. 1, 1966

Authorizing K.S.A. 65-1129

Implementing K.S.A. 2015 Supp. 74-1106

Part 2 (completed by committee members):

Necessity:

1. Is the rule and regulation necessary for the implementation and administration of state law? Y ☐ or N ☒
2. Does the rule and regulation service an identifiable public purpose in support of state law? Y ☐ or N ☒

Potential for Revocation:

1. Briefly describe how revocation would affect Kansans (max. 800 characters)
NA
2. Is the rule and regulation being revoked? Y ☒ or N ☐
3. If the rule and regulation is not in active use, would revocation require a change to the authorizing or implementing statute? Y ☐ or N ☒
4. If the rule and regulation is not in active use and revocation would require a change in the authorizing or implementing statute, which changes? (max. 400 characters)
NA

Additional information:

Additional information necessary to understanding the necessity of the rule and regulation (max. 1,200 characters)

Revoked 12/14/2021 - Practice Committee minutes; Minutes approved 3/29/2022

Committee: Practice

Chair: Lori

Date:

KSBN Regulation Review Form

Part 1 (completed by agency staff):

Regulation Number: 60

Article Title: 3

Rule and Reg Title: 103 Change of name

Type (New/Amended): Amended April 29, 2016

Effective Date (history): Jan. 1, 1966

Authorizing K.S.A. 65-1129

Implementing K.S.A. 2015 Supp. 65-1117

Part 2 (completed by committee members):

Necessity:

1. Is the rule and regulation necessary for the implementation and administration of state law? Y ☒ or N ☐
2. Does the rule and regulation service an identifiable public purpose in support of state law? Y ☒ or N ☐

Potential for Revocation:

1. Briefly describe how revocation would affect Kansans (max. 800 characters)
Needed to ensure the safety of residents of Kansas are receiving care from the healthcare provider with the appropriate credentials as well as their legal name
2. Is the rule and regulation being revoked? Y ☐ or N ☒
3. If the rule and regulation is not in active use, would revocation require a change to the authorizing or implementing statute? Y ☐ or N ☐
4. If the rule and regulation is not in active use and revocation would require a change in the authorizing or implementing statute, which changes? (max. 400 characters)
NA

Additional information:

Additional information necessary to understanding the necessity of the rule and regulation (max. 1,200 characters)

Committee: Practice

Chair: Lori

Date:

KSBN Regulation Review Form

Part 1 (completed by agency staff):

Regulation Number: 60

Article Title: 3

Rule and Reg Title: 105 Reinstatement of license

Type (New/Amended): Amended Feb. 16, 1996

Effective Date (history): Feb. 15, 1977

Authorizing K.S.A. 65-1129 and K.S.A. 1994 Supp. 65-1117, as amended by L. 1995, Ch. 97, § 1.

Implementing K.S.A. 1994 Supp. 65-1117

Part 2 (completed by committee members):

Necessity:

1. Is the rule and regulation necessary for the implementation and administration of state law? Y ☒ or N ☐
2. Does the rule and regulation service an identifiable public purpose in support of state law? Y ☒ or N ☐

Potential for Revocation:

1. Briefly describe how revocation would affect Kansans (max. 800 characters)
Helps to ensure those nurses returning to workforce are updated on changing evidence based practice and guidelines
Helps to ensure nurses are staying up to date on changing guidelines with in the healthcare profession
Gives lapsed nurses with history of licensure options to return to the workforce if they should decide to do so
2. Is the rule and regulation being revoked? Y ☐ or N ☒
3. If the rule and regulation is not in active use, would revocation require a change to the authorizing or implementing statute? Y ☐ or N ☐
4. If the rule and regulation is not in active use and revocation would require a change in the authorizing or implementing statute, which changes? (max. 400 characters)

Additional information:

Additional information necessary to understanding the necessity of the rule and regulation (max. 1,200 characters)

Committee: Practice

Chair: Lori

Date:

KSBN Regulation Review Form

Part 1 (completed by agency staff):

Regulation Number: 60

Article Title: 3

Rule and Reg Title: 106 Licensure qualifications

Type (New/Amended): Amended Nov. 7, 2008

Effective Date (history): Feb. 15, 1977

Authorizing K.S.A. 65-1129

Implementing K.S.A. 65-1115 and K.S.A. 65-1116

Part 2 (completed by committee members):

Necessity:

1. Is the rule and regulation necessary for the implementation and administration of state law? Y ☒ or N ☐
2. Does the rule and regulation service an identifiable public purpose in support of state law? Y ☒ or N ☐

Potential for Revocation:

1. Briefly describe how revocation would affect Kansans (max. 800 characters)
Ensures that licensees are aware what is required if unable to pass first certification testing
This helps to give opportunity to all applying for nursing to help with growth of the nursing workforce
Allows foreign trained nurses to join nursing workforce needed in the state of Kansas while adhering to the Nursing Practice Act
2. Is the rule and regulation being revoked? Y ☐ or N ☒
3. If the rule and regulation is not in active use, would revocation require a change to the authorizing or implementing statute? Y ☐ or N ☐
4. If the rule and regulation is not in active use and revocation would require a change in the authorizing or implementing statute, which changes? (max. 400 characters)
NA

Additional information:

Additional information necessary to understanding the necessity of the rule and regulation (max. 1,200 characters)

Committee: Practice

Chair: Lori

Date:

KSBN Regulation Review Form

Part 1 (completed by agency staff):

Regulation Number: 60

Article Title: 3

Rule and Reg Title: 106a Temporary permit

Type (New/Amended): Amended Nov. 7, 2008

Effective Date (history): May 9, 1994

Authorizing K.S.A. 65-1129 and K.S.A. 2007 Supp. 74-1106

Implementing K.S.A. 65-1115, K.S.A. 65-1116, and K.S.A. 2007 Supp 65-1117

Part 2 (completed by committee members):

Necessity:

1. Is the rule and regulation necessary for the implementation and administration of state law? Y ☒ or N ☐
2. Does the rule and regulation service an identifiable public purpose in support of state law? Y ☒ or N ☐

Potential for Revocation:

1. Briefly describe how revocation would affect Kansans (max. 800 characters)
Helps to establish workforce in the state of Kansas while setting limits of time for a temporary permit ensuring the safety of the residents of Kansas in accordance with the Nurse Practice Act of Kansas
2. Is the rule and regulation being revoked? Y ☐ or N ☒
3. If the rule and regulation is not in active use, would revocation require a change to the authorizing or implementing statute? Y ☐ or N ☐
4. If the rule and regulation is not in active use and revocation would require a change in the authorizing or implementing statute, which changes? (max. 400 characters)
NA

Additional information:

Additional information necessary to understanding the necessity of the rule and regulation (max. 1,200 characters)

Committee: Practice

Chair: Lori

Date:

KSBN Regulation Review Form

Part 1 (completed by agency staff):

Regulation Number: 60

Article Title: 3

Rule and Reg Title: 107 Expiration dates of applications

Type (New/Amended): Amended July 29, 2005

Effective Date (history): Feb. 15, 1977

Authorizing K.S.A. 65-1115, K.S.A. 65-1116, and K.S.A. 65-1117

Implementing K.S.A. 65-1115, K.S.A. 65-1116, and K.S.A. 65-1117

Part 2 (completed by committee members):

Necessity:

1. Is the rule and regulation necessary for the implementation and administration of state law? Y ☒ or N ☐
2. Does the rule and regulation service an identifiable public purpose in support of state law? Y ☒ or N ☐

Potential for Revocation:

1. Briefly describe how revocation would affect Kansans (max. 800 characters)
Needed to ensure there is no extreme lapse in time from application to testing which certification is required by the Nursing Practice Act
Need to ensure the KSBN office staff is not wasting their valuable time which is needed to process those persons who are wanting to join the workforce in the state of Kansas
Helps to establish professional responsibilities
2. Is the rule and regulation being revoked? Y ☐ or N ☒
3. If the rule and regulation is not in active use, would revocation require a change to the authorizing or implementing statute? Y ☐ or N ☐
4. If the rule and regulation is not in active use and revocation would require a change in the authorizing or implementing statute, which changes? (max. 400 characters)
NA

Additional information:

Additional information necessary to understanding the necessity of the rule and regulation (max. 1,200 characters)

Committee: Practice

Chair: Lori

Date:

KSBN Regulation Review Form

Part 1 (completed by agency staff):

Regulation Number: 60

Article Title: 3

Rule and Reg Title: 108 License expiration and renewal

Type (New/Amended): Amended July 29, 2005

Effective Date (history): E-77-8, March 19, 1976; Feb. 15, 1977

Authorizing K.S.A. 65-1117 and K.S.A. 74.1106

Implementing K.S.A. 65-1117

Part 2 (completed by committee members):

Necessity:

1. Is the rule and regulation necessary for the implementation and administration of state law? Y ☐ or N ☐
2. Does the rule and regulation service an identifiable public purpose in support of state law? Y ☐ or N ☐

Potential for Revocation:

1. Briefly describe how revocation would affect Kansans (max. 800 characters)
2. Is the rule and regulation being revoked? Y ☐ or N ☐
3. If the rule and regulation is not in active use, would revocation require a change to the authorizing or implementing statute? Y ☐ or N ☐
4. If the rule and regulation is not in active use and revocation would require a change in the authorizing or implementing statute, which changes? (max. 400 characters)

Additional information:

Additional information necessary to understanding the necessity of the rule and regulation (max. 1,200 characters)

Committee:

Chair:

Date:

An official State of Kansas government website. [Here's how you know.](#)

Agency 60

State Board of Nursing

Article 3.—Requirements for Licensure and Standards of Practice

[Printable Format](#)

60-3-108. License expiration and renewal. (a) Except as specified in subsection (b), all licenses for registered professional nurses and licensed practical nurses shall be renewed according to the following requirements:

- (1) The expiration date of each license shall be the last day of the month in which the licensee's birthday occurs.
- (2)(A) The renewal date for each licensee whose year of birth is an odd-numbered year shall be in each odd-numbered year.
- (B) The renewal date for each licensee whose year of birth is an even-numbered year shall be in each even-numbered year.

(b) If a licensee would otherwise be required to renew the license within six months from the date on which the licensee qualified for the license, the expiration and renewal date shall be the last day of the month following the licensee's third birthday from the date of licensure or reinstatement. (Authorized by K.S.A. 65-1117 and K.S.A. 74-1106; implementing K.S.A. 65-1117; effective, E-77-8, March 19, 1976; effective Feb. 15, 1977; amended, E-79-8, March 16, 1978; amended May 1, 1979; amended July 29, 2005.)

[Printable Format](#)

KSBN Regulation Review Form

Part 1 (completed by agency staff):

Regulation Number: 60

Article Title: 3

Rule and Reg Title: 109a Standards of practice

Type (New/Amended):

Effective Date (history): May 1, 1985

Authorizing K.S.A. 65-1113

Implementing K.S.A. 74-1106

Part 2 (completed by committee members):

Necessity:

1. Is the rule and regulation necessary for the implementation and administration of state law? Y ☐ or N ☐
2. Does the rule and regulation service an identifiable public purpose in support of state law? Y ☐ or N ☐

Potential for Revocation:

1. Briefly describe how revocation would affect Kansans (max. 800 characters)
2. Is the rule and regulation being revoked? Y ☐ or N ☐
3. If the rule and regulation is not in active use, would revocation require a change to the authorizing or implementing statute? Y ☐ or N ☐
4. If the rule and regulation is not in active use and revocation would require a change in the authorizing or implementing statute, which changes? (max. 400 characters)

Additional information:

Additional information necessary to understanding the necessity of the rule and regulation (max. 1,200 characters)

Committee:

Chair:

Date:

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Agency 60

State Board of Nursing

Article 3.—Requirements for Licensure and Standards of Practice

[Printable Format](#)

60-3-109a. Standards of practice. (a) Each registered professional nurse shall be familiar with the Kansas nurse practice act, the standards of practice of the profession and the code of ethics for professional nurses.

(b) Each licensed practical nurse shall be familiar with the Kansas nurse practice act, the standards of practice and the code of ethics for practical nurses. (Authorized by K.S.A. 65-1113; implementing K.S.A. 74-1106; effective May 1, 1985.)

[Printable Format](#)

KSBN Regulation Review Form

Part 1 (completed by agency staff):

Regulation Number: 60

Article Title: 3

Rule and Reg Title: 111 Inactive license

Type (New/Amended): Amended Oct. 12, 2001

Effective Date (history): April 26, 1993

Authorizing K.S.A. 65-1129

Implementing K.S.A. 2000 Supp. 65-1117 and 65-1118

Part 2 (completed by committee members):

Necessity:

1. Is the rule and regulation necessary for the implementation and administration of state law? Y ☐ or N ☐
2. Does the rule and regulation service an identifiable public purpose in support of state law? Y ☐ or N ☐

Potential for Revocation:

1. Briefly describe how revocation would affect Kansans (max. 800 characters)
2. Is the rule and regulation being revoked? Y ☐ or N ☐
3. If the rule and regulation is not in active use, would revocation require a change to the authorizing or implementing statute? Y ☐ or N ☐
4. If the rule and regulation is not in active use and revocation would require a change in the authorizing or implementing statute, which changes? (max. 400 characters)

Additional information:

Additional information necessary to understanding the necessity of the rule and regulation (max. 1,200 characters)

Committee:

Chair:

Date:

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Agency 60

State Board of Nursing

Article 3.—Requirements for Licensure and Standards of Practice

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60-3-111. Inactive license. (a) Before expiration of an active license, a registered professional nurse or licensed practical nurse may request to be put on inactive status.

(b) The request shall be accompanied by the inactive license fee, as prescribed by K.A.R. 60-4-101.

(c) Continuing nursing education shall not be required while on inactive status.

(d) The licensee shall remain on inactive status until filing an application and meeting all the requirements for reinstatement. (Authorized by K.S.A. 65-1129; implementing K.S.A. 2000 Supp. 65-1117 and 65-1118; effective April 26, 1993; amended Oct. 12, 2001.)

[Printable Format](#)

KSBN Regulation Review Form

Part 1 (completed by agency staff):

Regulation Number: 60

Article Title: 3

Rule and Reg Title: 112 Exempt license

Type (New/Amended): Amended July 29, 2005

Effective Date (history): April 3, 1998

Authorizing K.S.A. 65-1115 and K.S.A. 65-1116

Implementing K.S.A. 65-1115 and K.S.A. 65-1116

Part 2 (completed by committee members):

Necessity:

1. Is the rule and regulation necessary for the implementation and administration of state law? Y ☐ or N ☐
2. Does the rule and regulation service an identifiable public purpose in support of state law? Y ☐ or N ☐

Potential for Revocation:

1. Briefly describe how revocation would affect Kansans (max. 800 characters)
2. Is the rule and regulation being revoked? Y ☐ or N ☐
3. If the rule and regulation is not in active use, would revocation require a change to the authorizing or implementing statute? Y ☐ or N ☐
4. If the rule and regulation is not in active use and revocation would require a change in the authorizing or implementing statute, which changes? (max. 400 characters)

Additional information:

Additional information necessary to understanding the necessity of the rule and regulation (max. 1,200 characters)

Committee:

Chair:

Date:

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Agency 60

State Board of Nursing

Article 3.—Requirements for Licensure and Standards of Practice

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60-3-112. Exempt license. (a) An exempt license shall be granted only to a registered professional or practical nurse who meets these requirements:

(1) Is not regularly engaged in nursing practice in Kansas, but volunteers nursing services or is a charitable health care provider as defined by K.S.A. 75-6102 and amendments thereto; and

(2)(A) Has been licensed in Kansas for the five years previous to applying for an exempt license; or

(B) has been licensed in another jurisdiction for the five years previous to applying for an exempt license and meets all requirements for endorsement into Kansas.

(b) The expiration date of the exempt license shall be in accordance with K.A.R. 60-3-108.

(c) Each application for renewal of an exempt license shall be submitted upon a form furnished by the board and shall be accompanied by the fee in accordance with K.A.R. 60-4-101. (Authorized by and implementing K.S.A. 65-1115 and K.S.A. 65-1116; effective April 3, 1998; amended Oct. 25, 2002; amended July 29, 2005.)

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KSBN Regulation Review Form

Part 1 (completed by agency staff):

Regulation Number: 60

Article Title: 3

Rule and Reg Title: 113 Reporting of certain misdemeanor convictions by the licensee

Type (New/Amended): Amended April 29, 2016

Effective Date (history): Nov. 7, 2008

Authorizing K.S.A. 2015 Supp. 65-1117 and K.S.A. 65-1129

Implementing K.S.A. 2015 Supp. 65-1117

Part 2 (completed by committee members):

Necessity:

1. Is the rule and regulation necessary for the implementation and administration of state law? Y ☐ or N ☐
2. Does the rule and regulation service an identifiable public purpose in support of state law? Y ☐ or N ☐

Potential for Revocation:

1. Briefly describe how revocation would affect Kansans (max. 800 characters)
2. Is the rule and regulation being revoked? Y ☐ or N ☐
3. If the rule and regulation is not in active use, would revocation require a change to the authorizing or implementing statute? Y ☐ or N ☐
4. If the rule and regulation is not in active use and revocation would require a change in the authorizing or implementing statute, which changes? (max. 400 characters)

Additional information:

Additional information necessary to understanding the necessity of the rule and regulation (max. 1,200 characters)

Committee:

Chair:

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Agency 60

State Board of Nursing

Article 3.—Requirements for Licensure and Standards of Practice

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60-3-113. Reporting of certain misdemeanor convictions by the licensee. Pursuant to K.S.A. 65-1117 and amendments thereto, each licensee shall report to the board any misdemeanor conviction for any of the following substances or types of conduct, within 30 days from the date the conviction becomes final:

- (a) Alcohol;
- (b) any drugs;
- (c) deceit;
- (d) dishonesty;
- (e) endangerment of a child or vulnerable adult;
- (f) falsification;
- (g) fraud;
- (h) misrepresentation;
- (i) physical, emotional, financial, or sexual exploitation of a child or vulnerable adult;
- (j) physical or verbal abuse;
- (k) theft;
- (l) violation of a protection from abuse order or protection from stalking order; or
- (m) any action arising out of a violation of any state or federal regulation. (Authorized by K.S.A. 2015 Supp. 65-1117 and K.S.A. 65-1129; implementing K.S.A. 2015 Supp. 65-1117; effective Nov. 7, 2008; amended April 29, 2016.)

[Printable Format](#)

KSBN Regulation Review Form

Part 1 (completed by agency staff):

Regulation Number: 60

Article Title: 3

Rule and Reg Title: 114 Satisfactory completion of a refresher course approved by the board

Type (New/Amended):

Effective Date (history): Nov. 7, 2008

Authorizing K.S.A. 65-1115, 65-1116, and 65-1129

Implementing K.S.A. 65-1115 and 65-1116

Part 2 (completed by committee members):

Necessity:

1. Is the rule and regulation necessary for the implementation and administration of state law? Y ☐ or N ☐
2. Does the rule and regulation service an identifiable public purpose in support of state law? Y ☐ or N ☐

Potential for Revocation:

1. Briefly describe how revocation would affect Kansans (max. 800 characters)
2. Is the rule and regulation being revoked? Y ☐ or N ☐
3. If the rule and regulation is not in active use, would revocation require a change to the authorizing or implementing statute? Y ☐ or N ☐
4. If the rule and regulation is not in active use and revocation would require a change in the authorizing or implementing statute, which changes? (max. 400 characters)

Additional information:

Additional information necessary to understanding the necessity of the rule and regulation (max. 1,200 characters)

Committee:

Chair:

Date:

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Agency 60

State Board of Nursing

Article 3.—Requirements for Licensure and Standards of Practice

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60-3-114. Satisfactory completion of a refresher course approved by the board. (a) Each refresher course shall provide didactic instruction and clinical learning as follows:

- (1) At least 120 clock-hours of didactic instruction; and
- (2) at least 180 clock-hours of clinical learning, which shall be verified by the preceptor and refresher course administrator or by the refresher course faculty member, according to the following requirements:
 - (A) For the registered professional nurse refresher course, at least 110 of the required clock-hours in an acute care setting; and
 - (B) for the licensed practical nurse refresher course, all 180 clock-hours in an acute care or skilled nursing setting.
- (b) The didactic instruction and clinical learning content areas of the registered professional nurse refresher course shall be the following:
 - (1) Safe, effective care environment, including management of care and safety and infection control;
 - (2) health promotion and maintenance;
 - (3) psychosocial integrity;
 - (4) physiological integrity, including basic care and comfort, pharmacological and parenteral therapies, reduction of risk potential, and physiological adaptation; and
 - (5) integrated content, including the nursing process, caring, communication, documentation, teaching, and learning.
- (c) The didactic instruction and clinical learning content areas of the licensed practical nurse refresher course shall be the following:
 - (1) Safe and effective care environment, including coordinated care and safety and infection control;
 - (2) health promotion and maintenance;
 - (3) psychosocial integrity;
 - (4) physiological integrity, including basic care and comfort, pharmacological therapies, reduction of risk potential, and physiological adaptation; and
 - (5) integrated content, including the nursing process, caring, communication, documentation, teaching, and learning.
- (d)(1) Each refresher course student shall be supervised by the course faculty member or preceptor.
- (2) All clinical learning experiences shall be under the direct supervision of a registered professional nurse. Direct supervision shall mean that a registered professional nurse observes, directs, and evaluates the refresher course student's performance.
- (3) The faculty member or preceptor shall be on site when the refresher course student is assigned responsibilities that include nursing skills and abilities in which the student has acquired proficiency and the care required is simple and routine.
- (4) The faculty member or preceptor shall be on the premises when the refresher course student is assigned responsibilities that include nursing skills and abilities in which the student is gaining proficiency and the clients assigned to the student have severe or urgent conditions or are unstable, or both.
- (5) Each student in a registered professional nurse refresher course shall demonstrate clinical skills appropriate for the scope of practice for the registered professional nurse.
- (6) Each student in a licensed practical nurse refresher course shall demonstrate clinical skills appropriate for the scope of practice for the licensed practical nurse.
- (7) Upon successful completion of the didactic portion of the refresher course, the unlicensed student shall submit an application for licensure in Kansas before beginning clinical learning. (Authorized by K.S.A. 65-1115, 65-1116, and 65-1129; implementing K.S.A. 65-1115 and 65-1116; effective Nov. 7, 2008.)

[Printable Format](#)

65-1115. Licensure of professional nurses; qualifications of applicants; examination; refresher course; renewal license; title and abbreviation; temporary permit; exempt license. (a) *Qualifications of applicants.* An applicant for a license to practice as a registered professional nurse shall:

(1) Have graduated from an approved school of professional nursing in the United States or its territories or from a school of professional nursing in a foreign country which is approved by the board as defined in rules and regulations;

(2) have obtained other qualifications not in conflict with this act as the board may prescribe by rule and regulation; and

(3) file with the board written application for a license.

(b) *Applicant deficient in qualifications.* If the board finds in evaluating any applicant that such applicant is deficient in qualification or in the quality of such applicant's educational experience, the board may require such applicant to fulfill such remedial or other requirements as the board may prescribe.

(c) *License.* (1) The board shall issue a license to an applicant to practice as a registered professional nurse who has:

(A) Met the qualifications set forth in subsections (a) and (b);

(B) passed a written examination as prescribed by the board; and

(C) no disqualifying factors under K.S.A. [65-1120](#), and amendments thereto.

(2) The board may issue a license to practice nursing as a registered professional nurse to an applicant who has been duly licensed as a registered professional nurse by examination under the laws of another state or territory if, in the opinion of the board, the applicant meets the qualifications required of a registered professional in this state. Verification of the applicant's licensure status shall be required from the original state of licensure.

(3) *Refresher course.* Notwithstanding the provisions of subsections (a) and (b), an applicant for a license to practice as a registered professional nurse who has not been licensed to practice professional nursing for five years preceding application shall be required to successfully complete a refresher course as defined by the board.

(4) *Renewal license.* A licensed professional nurse licensed under this act shall be eligible for renewal licenses upon compliance with K.S.A. [65-1117](#), and amendments thereto.

(5) *Licensure examination within 24 months of graduation.* (A) Persons who do not take the licensure examination within 24 months after graduation shall petition the board for permission prior to taking the licensure examination. The board may require the applicant to submit and complete a plan of study prior to taking the licensure examination.

(B) Persons who are unsuccessful in passing the licensure examination within 24 months after graduation shall petition the board for permission prior to subsequent attempts. The board may require the applicant to submit and complete a plan of study prior to taking the licensure examination a subsequent time. The study plan shall contain subjects related to deficiencies identified on the failed examination profiles.

(6) An application for initial licensure or endorsement will be held awaiting completion of meeting qualifications for a time period specified in rules and regulations.

(d) *Title and abbreviation.* Any person who holds a license to practice as a registered professional nurse in this state shall have the right to use the title, "registered nurse," and the abbreviation, "R.N." No other person shall assume the title or use the abbreviation or any other words, letters, signs or figures to indicate that the person is a registered professional nurse.

(e) *Temporary permit.* The board may issue a temporary permit to practice nursing as a registered professional nurse for a period not to exceed 120 days. A temporary permit for 120 days may be issued to an applicant for licensure as a registered professional nurse who is a graduate of a professional school of nursing in a foreign country after verification of licensure in that foreign country and approval of educational credentials.

(f) *Exempt license.* The board may issue an exempt license to any licensee as defined in rules and regulations who makes written application for such license on a form provided by the board, who remits a fee as established pursuant to K.S.A. [65-1118](#), and amendments thereto and who is not regularly engaged in the practice of professional nursing in Kansas but volunteers professional nursing service or is a charitable health care provider as defined by K.S.A. [75-6102](#), and amendments thereto. Each exempt licensee shall be subject to all provisions of the nurse practice act, except as otherwise provided in this subsection (f). Each exempt license may be renewed biennially subject to the provisions of this section. The holder of the exempt license shall not be required to submit evidence of satisfactory completion of a program of continuing nursing education for renewal. To convert an exempt license to an active license, the exempt licensee shall meet all the requirements of subsection (c) or K.S.A.

[65-1117](#), and amendments thereto. The board shall have authority to write rules and regulations to carry out the provisions of this section.

History: L. 1949, ch. 331, § 4; L. 1963, ch. 314, § 2; L. 1968, ch. 231, § 1; L. 1972, ch. 231, § 9; L. 1975, ch. 316, § 3; L. 1982, ch. 261, § 1; L. 1983, ch. 207, § 1; L. 1986, ch. 233, § 1; L. 1990, ch. 221, § 1; L. 1992, ch. 151, § 1; L. 1993, ch. 194, § 9; L. 1994, ch. 149, § 1; L. 1997, ch. 158, § 1; L. 1999, ch. 84, § 1; L. 2001, ch. 161, § 1; L. 2009, ch. 81, § 1; July 1.

65-1116. Licensure of practical nurses; qualifications of applicants; examination; refresher course; renewal license; title and abbreviation; temporary permit; exempt license. (a) *Qualification.* An applicant for a license to practice as a licensed practical nurse shall:

(1) Have graduated from an approved school of practical nursing or professional nursing in the United States or its territories or from a school of practical nursing or professional nursing in a foreign country which is approved by the board as defined in rules and regulations;

(2) have obtained other qualifications not in conflict with this act as the board may prescribe by rule and regulation; and

(3) file with the board a written application for a license.

(b) If the board finds in evaluating any applicant that such applicant is deficient in qualification or in the quality of such applicant's educational experience, the board may require such applicant to fulfill such remedial or other requirements as the board may prescribe.

(c) *License.* (1) The board shall issue a license to an applicant to practice as a practical nurse who has:

(A) Met the qualifications set forth in subsections (a) and (b);

(B) passed a written examination as prescribed by the board; and

(C) no disqualifying factors under K.S.A. [65-1120](#), and amendments thereto.

(2) The board may issue a license to practice nursing as a practical nurse to an applicant who has been duly licensed as a practical nurse by examination under the laws of another state or territory if, in the opinion of the board, the applicant meets the qualifications required of a practical nurse in this state. Verification of the applicant's licensure status shall be required from the original state of licensure.

(3) The board may authorize the educational requirement under subsection (a)(1) to be waived for an applicant who has attained a passing score on the national council licensure examination for practical nurses and provided evidence to the board of such applicant's practical nursing experience with the military. To qualify for such a waiver, the applicant must have been a member of the army, navy, marine corps, air force, air or army national guard, coast guard or any branch of the military reserves of the United States, and separated from such military service with an honorable discharge. If such applicant was separated from such military service with a general discharge under honorable conditions and meets the requirements of this paragraph, the board may authorize the educational requirements under subsection (a)(1) be waived.

(4) *Refresher course.* Notwithstanding the provisions of subsections (a) and (b), an applicant for a license to practice as a licensed practical nurse who has not been licensed to practice practical nursing for five years preceding application shall be required to successfully complete a refresher course as defined by the board.

(5) *Renewal license.* A licensed practical nurse licensed under this act shall be eligible for renewal licenses upon compliance with K.S.A. [65-1117](#), and amendments thereto.

(6) *Licensure examination within 24 months of graduation.* (A) Persons who do not take the licensure examination within 24 months after graduation shall petition the board for permission prior to taking the licensure examination. The board may require the applicant to submit and complete a plan of study prior to taking the licensure examination.

(B) Persons who are unsuccessful in passing the licensure examination within 24 months after graduation shall petition the board for permission prior to subsequent attempts. The board may require the applicant to submit and complete a plan of study prior to taking the licensure examination a subsequent time. The study plan shall contain subjects related to deficiencies identified on the failed examination profiles.

(7) An application for initial licensure or endorsement will be held awaiting completion of meeting qualifications for a time period specified in rules and regulations.

(d) *Title and abbreviation.* Any person who holds a license to practice as a licensed practical nurse in this state shall have the right to use the title, "licensed practical nurse," and the abbreviation, "L.P.N." No other person shall assume the title or use the abbreviation or any other words, letters, signs or figures to indicate that the person is a licensed practical nurse.

(e) *Temporary permit.* The board may issue a temporary permit to practice nursing as a licensed practical nurse for a period not to exceed 120 days. A temporary permit for 120 days may be issued to an applicant for licensure as a licensed practical nurse who is a graduate of a practical school of nursing in a foreign country after verification of licensure in that foreign country and approval of educational credentials.

(f) *Exempt license.* The board may issue an exempt license to any licensee as defined in rules and regulations who makes written application for such license on a form provided by the board, who remits a fee as established

pursuant to K.S.A. [65-1118](#), and amendments thereto, and who is not regularly engaged in the practice of practical nursing in Kansas but volunteers practical nursing service or is a charitable health care provider as defined by K.S.A. [75-6102](#), and amendments thereto. Each exempt licensee shall be subject to all provisions of the nurse practice act, except as otherwise provided in this subsection (f). Each exempt license may be renewed biennially subject to the provisions of this section. The holder of the exempt license shall not be required to submit evidence of satisfactory completion of a program of continuing nursing education for renewal. To convert an exempt license to an active license, the exempt licensee shall meet all the requirements of subsection (c) or K.S.A. [65-1117](#), and amendments thereto. The board shall have authority to write rules and regulations to carry out the provisions of this section.

History: L. 1949, ch. 331, § 5; L. 1963, ch. 314, § 3; L. 1968, ch. 231, § 2; L. 1975, ch. 316, § 4; L. 1982, ch. 261, § 2; L. 1983, ch. 207, § 2; L. 1986, ch. 233, § 2; L. 1990, ch. 221, § 2; L. 1992, ch. 151, § 2; L. 1993, ch. 194, § 10; L. 1994, ch. 149, § 2; L. 1997, ch. 158, § 2; L. 1999, ch. 84, § 2; L. 2001, ch. 161, § 2; L. 2009, ch. 81, § 2; L. 2013, ch. 95, § 3; July 1.

65-1117. Renewal of license; inactive license, fee; continuing education requirements; rules and regulations; notification of change in name or address or criminal conviction; multi-state license. (a) All licenses issued under the provisions of this act, whether initial or renewal, including multi-state licenses under the nurse licensure compact, shall expire every two years. The expiration date shall be established by the rules and regulations of the board. Any licensed nurse may file a multi-state license application together with the prescribed multi-state license fee at any time the nurse holds an active license. The board shall send a notice for renewal of license to every registered professional nurse and licensed practical nurse at least 60 days prior to the expiration date of such person's license. Every person so licensed who desires to renew such license shall file with the board, on or before the date of expiration of such license, a renewal application together with the prescribed biennial renewal fee. Every licensee who is no longer engaged in the active practice of nursing may so state by affidavit and submit such affidavit with the renewal application. An inactive license may be requested along with payment of a fee which shall be fixed by rules and regulations of the board. Except for the first renewal for a license that expires within 30 months following licensure examination or for renewal of a license that expires within the first nine months following licensure by reinstatement or endorsement, every licensee with an active nursing license shall submit with the renewal application evidence of satisfactory completion of a program of continuing nursing education required by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing nursing education. Upon receipt of such application, payment of fee, upon receipt of the evidence of satisfactory completion of the required program of continuing nursing education and upon being satisfied that the applicant meets the requirements set forth in K.S.A. [65-1115](#) or [65-1116](#), and amendments thereto, in effect at the time of initial licensure of the applicant, the board shall verify the accuracy of the application and grant a renewal license.

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

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

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

(d) Persons holding a multistate license under the nurse licensure compact and who engage in the practice of nursing in Kansas may be requested by the board to voluntarily provide workforce-related information as reasonably determined by the board. Refusal to voluntarily provide such information shall not be a basis for disciplinary action against or restriction of the multistate license of any such person.

History: L. 1949, ch. 331, § 6; L. 1975, ch. 316, § 5; L. 1976, ch. 274, § 1; L. 1978, ch. 240, § 4; L. 1980, ch. 187, § 1; L. 1983, ch. 206, § 8; L. 1988, ch. 242, § 1; L. 1993, ch. 194, § 11; L. 1995, ch. 97, § 1; L. 1997, ch. 146, § 1; L. 2007, ch. 99, § 1; L. 2011, ch. 114, § 79; L. 2018, ch. 42, § 3; July 1, 2019.

65-1166. Nurse licensure compact. This section shall be known and may be cited as the nurse licensure compact.

Nurse Licensure Compact

ARTICLE I
FINDINGS AND DECLARATION OF PURPOSE

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

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

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

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

(4) new practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;

(5) the current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for both nurses and states; and

(6) uniformity of nurse licensure requirements among the states promotes public safety and public health benefits.

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

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

(2) ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;

(3) facilitate the exchange of information among party states in the areas of nurse regulation, investigation and adverse actions;

(4) promote compliance with the laws governing the practice of nursing in each jurisdiction;

(5) invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party-state licenses;

(6) decrease redundancies in the consideration and issuance of nurse licenses; and

(7) provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

ARTICLE II
DEFINITIONS

As used in this compact:

(a) "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a nurse, including actions against an individual's license or multistate licensure privilege, such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease and desist action.

(b) "Alternative program" means a nondisciplinary monitoring program approved by a licensing board.

(c) "Commission" means the interstate commission of nurse licensure compact administrators.

(d) "Coordinated licensure information system" means an integrated process for collecting, storing and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards.

(e) "Current significant investigative information" means:

(1) Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

(2) investigative information that indicates that the nurse represents an immediate threat to public health and safety, regardless of whether the nurse has been notified and had an opportunity to respond.

(f) "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board.

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

- (h) "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.
- (i) "LPN/VN" means a licensed practical/vocational nurse.
- (j) "Multistate license" means a license to practice as a registered or a licensed practical/vocational nurse (LPN/VN) issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege.
- (k) "Multistate licensure privilege" means a legal authorization associated with a multistate license permitting the practice of nursing as either a registered nurse (RN) or LPN/VN in a remote state.
- (l) "Nurse" means RN or LPN/VN, as those terms are defined by each party state's practice laws.
- (m) "Party state" means any state that has adopted this compact.
- (n) "Remote state" means a party state, other than the home state.
- (o) "RN" means a registered nurse.
- (p) "Single-state license" means a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.
- (q) "State" means a state, territory or possession of the United States and the District of Columbia.
- (r) "State practice laws" means a party state's laws, rules and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. State practice laws do not include requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

ARTICLE III GENERAL PROVISIONS AND JURISDICTION

- (a) A multistate license to practice registered or licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a nurse to practice as an RN or as an LPN/VN, under a multistate licensure privilege, in each party state.
- (b) A state must implement procedures for considering the criminal history records of applicants for an initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records.
- (c) Each party state shall require the following for an applicant to obtain or retain a multistate license in the home state:
 - (1) Has met the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws;
 - (2) (A) has graduated or is eligible to graduate from a licensing board-approved RN or LPN/VN prelicensure education program; or
(B) has graduated from a foreign RN or LPN/VN prelicensure education program that: (i) Has been approved by the authorized accrediting body in the applicable country; and (ii) has been verified by an independent credentials review agency to be comparable to a licensing board-approved prelicensure education program;
 - (3) has, if a graduate of a foreign prelicensure education program, not taught in English or, if English is not the individual's native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing and listening;
 - (4) has successfully passed an NCLEX-RN or NCLEX-PN examination or recognized predecessor, as applicable;
 - (5) is eligible for or holds an active unencumbered license;
 - (6) has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the federal bureau of investigation and the Kansas bureau of investigation;
 - (7) has not been convicted or found guilty or has entered into an agreed disposition of a felony offense under applicable state or federal criminal law;
 - (8) has not been convicted or found guilty or has entered into an agreed disposition of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;
 - (9) is not currently enrolled in an alternative program;
 - (10) is subject to self-disclosure requirements regarding current participation in an alternative program; and
 - (11) has a valid United States social security number.

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

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

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

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

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

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

ARTICLE IV

APPLICATIONS FOR LICENSURE IN A PARTY STATE

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

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

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

(1) The nurse may apply for licensure in advance of a change in primary state of residence.

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

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

ARTICLE V

ADDITIONAL AUTHORITIES INVESTED IN PARTY-STATE LICENSING BOARDS

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

(1) Take adverse action against a nurse's multistate licensure privilege to practice within that party state:

(A) Only the home state shall have the power to take adverse action against a nurse's license issued by the home state; and

(B) for purposes of taking adverse action, the home-state licensing board shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action;

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

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

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

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

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

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

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

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

ARTICLE VI

COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE OF INFORMATION

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

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

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

(d) Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party-state licensing boards.

(e) Notwithstanding any other provision of law, all party-state licensing boards contributing information to the coordinated licensure information system may designate information, which may not be shared with non-party states or disclosed to other entities or individuals without the express permission of the contributing state.

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

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

coordinated licensure information system.

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

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

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

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

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

(1) The commission is an instrumentality of the party states.

(2) Venue is proper, and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, voting and meetings:

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

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

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

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

(5) The commission may convene in a closed, nonpublic meeting if the commission must discuss:

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

(6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the

views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

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

(1) Establishing the fiscal year of the commission;

(2) providing reasonable standards and procedures:

(A) For the establishment and meetings of other committees; and

(B) governing any general or specific delegation of any authority or function of the commission;

(3) providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;

(4) establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission;

(5) providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws shall exclusively govern the personnel policies and programs of the commission; and

(6) providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of this compact after the payment or reserving of all of its debts and obligations.

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

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

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

(g) The commission shall have the following powers:

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

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

(3) to purchase and maintain insurance and bonds;

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

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

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

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

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

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

(10) to establish a budget and make expenditures;

(11) to borrow money;

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

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

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

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

(h) Financing of the commission:

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities;

(2) the commission may also levy on and collect an annual assessment from each party state to cover the cost of its operations, activities and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule that is binding upon all party states;

(3) the commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the commission pledge the credit of any of the party states, except by and with the authority of such party state; and

(4) the commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

(i) Qualified immunity, defense and indemnification:

(1) The administrators, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties or responsibilities, provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional, willful or wanton misconduct of that person.

(2) The commission shall defend any administrator, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from that person's intentional, willful or wanton misconduct and provided further that nothing herein shall be construed to prohibit that person from retaining such person's own counsel.

(3) The commission shall indemnify and hold harmless any administrator, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional, willful or wanton misconduct of that person.

ARTICLE VIII RULEMAKING

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this compact.

(b) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(c) Prior to promulgation and adoption of a final rule or rules by the commission, and at least 60 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

- (1) On the website of the commission; and
- (2) on the website of each licensing board or the publication in which each state would otherwise publish proposed rules.
- (d) The notice of proposed rulemaking shall include:
 - (1) The proposed time, date and location of the meeting in which the rule will be considered and voted upon;
 - (2) the text of the proposed rule or amendment, and the reason for the proposed rule;
 - (3) a request for comments on the proposed rule from any interested person; and
 - (4) the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.
- (e) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.
- (f) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.
- (g) The commission shall publish the place, time and date of the scheduled public hearing.
- (1) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings will be recorded, and a copy will be made available upon request.
- (2) Nothing in this article shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this article.
- (h) If no one appears at the public hearing, the commission may proceed with promulgation of the proposed rule.
- (i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.
- (j) The commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
- (k) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, provided that the usual rulemaking procedures provided in this compact and in this article shall be retroactively applied to the rule as soon as reasonably possible, and in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:
 - (1) Meet an imminent threat to public health, safety or welfare;
 - (2) prevent a loss of commission or party state funds; or
 - (3) meet a deadline for the promulgation of an administrative rule that is required by federal law or rule.
- (l) The commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

ARTICLE IX

OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

- (a) Oversight:
 - (1) Each party state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact's purposes and intent.
 - (2) The commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities or actions of the commission, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process in such proceeding to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.
- (b) Default, technical assistance and termination:
 - (1) If the commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:
 - (A) Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default or any other action to be taken by the commission; and

(B) provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state's membership in this compact may be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor of the defaulting state and to the executive officer of the defaulting state's licensing board and each of the party states.

(4) A state whose membership in this compact has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The commission shall not bear any costs related to a state that is found to be in default or whose membership in this compact has been terminated unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the District of Columbia or the federal district in which the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(c) Dispute resolution:

(1) Upon request by a party state, the commission shall attempt to resolve disputes related to the compact that arise among party states and between party and non-party-states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

(3) In the event the commission cannot resolve disputes among party states arising under this compact:

(A) The party states may submit the issues in dispute to an arbitration panel, which will be comprised of individuals appointed by the compact administrator in each of the affected party states and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute.

(B) The decision of a majority of the arbitrators shall be final and binding.

(d) Enforcement:

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the U.S. District Court for the District of Columbia or the federal district in which the commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

ARTICLE X

EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

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

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

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

(d) A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal or termination.

(e) Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure

agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this compact.

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

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

ARTICLE XI

CONSTRUCTION AND SEVERABILITY

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

History: L. 2018, ch. 42, § 1; July 1, 2019.