Session of 2026

HOUSE BILL No. 2528

By Committee on Health and Human Services

Requested by Representative Pickert

1-23

AN ACT concerning health professions and practices; relating to the Kansas state board of nursing powers, duties and responsibilities; requiring that all board actions related to nonpractice violations be void; allowing for late license renewal for professional, practical and advanced practice registered nurses; setting fees for late license renewal; limiting unprofessional conduct to acts related to the practice of nursing; prohibiting the board from taking retaliatory action against a licensee based on lawful acts made against the board and creating a cause of action for violation of such prohibition; requiring that board members be subject to senate confirmation; requiring the board to issue refunds for overpayment or duplicate payments; amending K.S.A. 65-1119, 65-1120a, 65-1131, 65-1132, 74-1108 and 74-1110 and K.S.A. 2025 Supp. 65-1117, 65-1118, 65-1120, 65-1127 and 74-1106 and repealing the existing sections.

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

New Section 1. (a) (1) Any board action occurring or record created on or after January 1, 2005, but prior to July 1, 2026, that arises from disciplinary action related to the following statutes and regulations shall be void:

(A) K.S.A. 65-1117(a) or (b), 65-1118 or 65-1119, K.S.A. 65-1120(a)(1) only if such action or record arises from or is related to applications for licensure or license renewal, K.S.A. 65-1120(a)(7) or (a)(8), 65-1122(f), 65-1132, 65-1154, 65-1155, 65-1159, 65-4205(a) or (b), 65-4208, 65-4209(a)(8) or 74-1110, as in effect prior to July 1, 2026; or

(B) K.A.R. 60-3-103, 60-3-108, 60-3-110(w), 60-4-101, 60-8-101, 60-9-106, 60-11-113(a) or (b), 60-12-104, 60-12-106, 60-13-101, 60-13-111, 60-13-112 or 60-13-113, as in effect prior to July 1, 2026.

(2) If an alleged violation or disciplinary action occurs on or before June 30, 2026, any board action arising from disciplinary action related to the statutes or rules and regulations cited in paragraph (1) shall be deemed void.

(3) The provisions of this subsection shall not invalidate disciplinary action or void any board action or record related to an allegation or violation of any other statute or rule and regulation solely because such

disciplinary action also makes reference to a statute or rule and regulation cited in paragraph (1).

(b) The board shall not report any void material to any person or entity, including the office of inspector general, nursys licensure and disciplinary data bank, the national practitioner data bank or coordinated licensure information system.

(c) If the board has previously provided void material to any person or entity or allowed void material to come into the possession of any person or entity, the board, after being provided notice, shall promptly notify such person or entity that the agency action has been reversed and is void, and the board shall take all reasonable measures to stop publication and dissemination of such void material.

(d) If the board fails to comply with the requirements of this section, a individual aggrieved by a violation of this section shall have a private cause of action for actual damages, injunctive relief and any other appropriate relief. Any action commenced under this section shall be brought within two years following the violation. In an action brought for a violation of this section, a prevailing plaintiff shall recover damages and the cost of the suit, including reasonable attorney fees.

(e) The provisions of this section shall apply to a deceased licensee or former licensee. A surviving spouse, next of kin or heir may pursue any of the rights granted by this section on behalf of the deceased licensee or former licensee.

(f) Void materials under this section shall be confidential and not be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this subsection shall expire on July 1, 2031, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2031.

(g) The board shall publish this section by displaying this section on the front page of the board's website and include this section in the first two pages of the board's newsletter in July and August 2026.

(h) (1) As used in this section, "void" and "voided" mean all allegations, proceedings, reports, investigations, findings, records, documents, contracts, consent agreements, hearings, determinations, conclusions, judgments, decisions, summary denials, inactivations, probation agreements, diversion agreements, revocations, suspensions, limitations, censures, fines, fees, cost denials or actions are reversed, overturned and declared null and void.

(2) Any record, document or matter voided by this section that has been transmitted to or from the board to any person or entity is deemed to have been submitted in error, and any reference thereto is expunged and deemed never to have occurred.

Sec. 2. K.S.A. 2025 Supp. 65-1117 is hereby amended to read as

follows: 65-1117. (a)*(1) Except as further provided by this section,* all licenses issued under the provisions of this act, whether initial or renewal, including multi-state licenses under the nurse licensure compact, shall ~~expire~~ *have a renewal date set* every two years. The ~~expiration~~ *renewal* 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 *that* the nurse holds an active license.

(2) 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~~ *renewal* date of such person's license*, unless such licensee elects to opt out of such notice of renewal being sent to such licensee. The board shall send a digital notice for renewal of license to every registered professional nurse and licensed practical nurse at least 90, 60, 30, and seven days prior to the renewal date of such person's license, on the date of renewal of such person's license and seven days following the renewal date of such person's license. If a licensee has already renewed a license, no notice shall be sent.*

(3) Every person so licensed who ~~desires to renew~~ *seeks renewal of* such license shall file with the board, on or before the *renewal* 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~~ *that* shall be ~~fixed~~ *set* by rules and regulations of the board.

(4) Except for the first renewal for a license that ~~expires~~ *is set for renewal* within 30 months following licensure examination or for renewal of a license that ~~expires~~ *is set for renewal* 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~~ *shall adopt* rules and regulations ~~shall~~ *that* establish the requirements for such program of continuing nursing education. *The renewal application shall require a licensee to provide such licensee's current contact information, including address, phone number and email address. A licensee shall notify the board of a change in name or contact information.*

(5) (A) 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 *within one day after the applicant submits the requirements of this paragraph*.

(B) Once the requirements of this paragraph have been met, a digital notification of submission that contains a receipt for payment of any fees shall promptly be sent to the applicant or licensee. If the board grants a renewal license or a late renewal license, a digital notification of such renewal shall be sent to the applicant or licensee.

(b) *(1) (A)* ~~Any~~*If a* person ~~who~~ fails to ~~secure~~ *complete* a renewal license within the time specified ~~herein~~ *in this section, the board shall give such person notice of the failure to complete a renewal license which shall include information that:*

(i) The license may be canceled if not renewed within 90 days following the renewal date;

(ii) upon receipt of the ~~may secure a reinstatement of such lapsed license by making~~ verified *renewal* 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~~ *late renewal,* including payment to the board of a ~~reinstatement~~ *late renewal* fee as established by the board*, within the 90-day period, the license will not be canceled; and*

(iii) if both fees are not received within the 90-day period, the license will be deemed canceled by operation of law and without further proceedings.

(B) A ~~reinstatement~~ *late renewal* application for licensure ~~will~~ *shall* 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.

(2) If a licensee that has been provided notice of failure to renew does not renew within 30 days following the renewal date and has not submitted an affidavit or a request for inactive license as specified in subsection (a)(3), the board shall digitally send a survey to such person requesting the reason for nonrenewal.

(3) If the board determines that an applicant or licensee is not qualified for licensure or a renewal application or payment has not been received, the board's sole recourse is to withhold licensure or renewal until such time that the licensee or applicant is qualified and payment is received. If the board makes a determination that an applicant or licensee is not qualified for licensure, the board shall promptly inform the applicant or licensee.

(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 *that* the conviction becomes final.

(2) As used in this subsection, "conviction" means a final conviction without regard to whether the sentence was suspended or *the* probation *was* 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.

Sec. 3. K.S.A. 2025 Supp. 65-1118 is hereby amended to read as follows: 65-1118. (a) The board shall collect in advance fees provided for in this act as fixed by the board, but not exceeding:

Application for single-state license—professional nurse	$150
Application for single-state license—practical nurse	100
Application for single-state biennial renewal of license—professional nurse and practical nurse	120
Application for single-state reinstatement of license	150
Application for single-state reinstatement of licenses with temporary permit	175
Application for late renewal of single state license.....	*300*
Application for multi-state license—professional nurse	300
Application for multi-state license—practical nurse	300
Application for multi-state biennial renewal of license—professional nurse and practical nurse	200
Application for multi-state reinstatement of license	300
Application for multi-state reinstatement of licenses with temporary permit	300
Application for late renewal of multi-state license.....	*300*
Application for reinstatement of revoked license	1,000
Certified copy of license	25
Duplicate of license	25
Inactive license	20
Application for license—advanced practice registered nurse	50
Application for license with temporary permit—advanced	

practice registered nurse	100
Application for renewal of license—advanced practice registered nurse	60
Application for reinstatement of license—advanced practice registered nurse	75
Application for late renewal of license—advanced practice registered nurse	*300*
Application for authorization—registered nurse anesthetist	75
Application for authorization with temporary authorization—registered nurse anesthetist	110
Application for biennial renewal of authorization—registered nurse anesthetist	60
Application for reinstatement of authorization—registered nurse anesthetist	75
Application for reinstatement of authorization with temporary authorization—registered nurse anesthetist	100
Verification of license to another state	30
Application for exempt license—professional and practical nurse	50
Application for biennial renewal of exempt license—professional and practical nurse	50
Application for exempt license—advanced practice registered nurse	50
Application for biennial renewal of exempt license—advanced practice registered nurse	50

(b) The board may require that fees paid for any examination under the Kansas nurse practice act be paid directly to the examination service by the person taking the examination.

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

Sec. 4. K.S.A. 65-1119 is hereby amended to read as follows: 65-1119. (a) *Application for approval.* An approved school of nursing is one ~~which~~ *that* has been approved as such by the board as meeting the standards of this act~~,~~ and the rules and regulations of the board. An institution desiring to conduct an approved school of professional or practical nursing shall apply to the board for approval and submit

satisfactory proof that it is prepared to and will maintain the standards and basic professional nursing curriculum or the required curriculum for practical nursing, as the case may be, as prescribed by this act and by the rules and regulations of the board. Applications shall be made in writing on forms supplied by the board and shall be submitted to the board together with the application fee fixed by the board. The approval of a school of nursing shall not exceed 10 years after the granting of such approval by the board. An institution desiring to continue to conduct an approved school of professional or practical nursing shall apply to the board for the renewal of approval and submit satisfactory proof that it will maintain the standards and basic professional nursing curriculum or the required curriculum for practical nursing, as the case may be, as prescribed by this act and by the rules and regulations of the board. Applications for renewal of approval shall be made in writing on forms supplied by the board. Each school of nursing shall submit annually to the board an annual fee fixed by the board by rules and regulations to maintain the approval status.

(b) *Schools for professional nurses.* To qualify as an approved school for professional nurses, the school ~~must~~ *shall* be conducted in the state of Kansas, ~~and shall~~ apply to the board and submit evidence that: (1) It is prepared to carry out the professional curriculum as prescribed in the rules and regulations of the board; and (2) it is prepared to meet such other standards as shall be established by this law and the rules and regulations of the board.

(c) *Schools for practical nurses.* To qualify as an approved school for practical nurses, the school ~~must~~ *shall* be conducted in the state of Kansas, ~~and shall~~ apply to the board and submit evidence that: (1) It is prepared to carry out the curriculum as prescribed in the rules and regulations of the board; and (2) it is prepared to meet such other standards as shall be established by this law and the rules and regulations of the board.

(d) *Transcript requests. All approved schools for professional and practical nurses shall, upon the request of a current or former student, fulfill transcript requests for licensure or testing by electronically releasing the transcript within five business days of receipt of such request.*

(e) Survey. The board shall prepare and maintain a list of approved schools for both professional and practical nurses whose graduates, if they have the other necessary qualifications provided in this act, shall be eligible to apply for a license as a registered professional nurse or as a licensed practical nurse. A survey of the institution or institutions and of the schools applying for approval shall be made by an authorized employee of the board or members of the board, who shall submit a written report of the survey to the board. If, in the opinion of the board, the

requirements as prescribed by the board in its rules and regulations for an approved school for professional nurses or for practical nurses are met, it shall so approve the school as either a school for professional nurses or practical nurses, as the case may be. The board shall resurvey approved schools on a periodic basis as determined by rules and regulations. If the board determines that any approved school of nursing is not maintaining the standards required by this act and by rules and regulations prescribed by the board, notice thereof in writing, specifying the failures of such school, shall be given immediately to the school. A school ~~which~~ *that* fails to correct such conditions to the satisfaction of the board within a reasonable time shall be removed from the list of approved schools of nursing until such time ~~as~~ *that* the school shall comply with the standards. All approved schools shall maintain accurate and current records showing in full the theoretical and practical courses given to each student.

~~(c)~~*(f) Providers of continuing nursing education.* (1) To qualify as an approved provider of continuing nursing education offerings, persons, organizations or institutions proposing to provide such continuing nursing education offerings shall apply to the board for approval and submit evidence that the applicant is prepared to meet the standards and requirements established by the rules and regulations of the board for such continuing nursing education offerings. Initial applications shall be made in writing on forms supplied by the board and shall be submitted to the board together with the application fee fixed by the board.

(2) ~~A~~ "Long-term provider" means a person, organization or institution that is responsible for the development, administration and evaluation of continuing nursing education programs and offerings. Qualification as a long-term approved provider of continuing nursing education offerings shall expire five years after the granting of such approval by the board. An approved long-term provider of continuing nursing education offerings shall submit annually to the board the annual fee established by rules and regulations, along with an annual report for the previous fiscal year. Applications for renewal as an approved long-term provider of continuing nursing education offerings shall be made in writing on forms supplied by the board.

(3) Qualification as an approved provider of a single continuing nursing education offering, which may be offered once or multiple times, shall expire two years after the granting of such approval by the board. Approved single continuing nursing education providers shall not be subject to an annual fee or annual report.

(4) In accordance with rules and regulations adopted by the board, the board may approve individual educational offerings for continuing nursing education ~~which~~ *that* shall not be subject to approval under other subsections of this section.

(5) The board shall accept offerings as approved continuing nursing education presented by: Colleges that are approved by a state or the national department of education and providers approved by other state boards of nursing, the national league for nursing, the national federation of licensed practical nurses, the American nurses credentialing center or other such national organizations as listed in rules and regulations adopted by the board.

(6) An individual designated by a provider of continuing nursing education offerings as an individual responsible for CNE who has held this position for the provider at least five years immediately prior to January 1, 1997, shall not be required to have a baccalaureate or higher academic degree in order to be designated by such provider as the individual responsible for CNE.

~~(f)~~*(g) Criteria for evaluating out-of-state schools.* For the purpose of determining whether an applicant for licensure who is a graduate of a school of professional or practical nursing located outside this state meets the requirements of ~~item (2) of subsection (a) of~~ K.S.A. 65-1115*(a)(2),* and amendments thereto or the requirements of ~~item (2) of subsection (a) of~~ K.S.A. 65-1116*(a)(2),* and amendments thereto, as appropriate, the board by rules and regulations shall establish criteria for determining whether a particular school of professional nursing located outside this state maintains standards which are at least equal to schools of professional nursing ~~which~~ *that* are approved by the board and whether a particular school of practical nursing located outside this state maintains standards ~~which~~ *that* are at least equal to schools of practical nursing ~~which~~ *that* are approved by the board. The board may send a questionnaire developed by the board to any school of professional or practical nursing located outside this state for which the board does not have sufficient information to determine whether the school meets the standards established under this subsection ~~(f)~~. The questionnaire providing the necessary information shall be completed and returned to the board in order for the school to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about schools. In entering such contracts the authority to approve schools shall remain solely with the board.

~~(g)~~*(h)* The board may accept nationally accredited schools of nursing as defined in rule and regulation.

(1) Schools of nursing ~~which~~ *that* have received accreditation from a board recognized national nursing accreditation agency shall file evidence of initial accreditation with the board and shall file all reports from the accrediting agency and any notice of any change in school accreditation status. The board may grant approval based upon evidence of such accreditation.

(2) Schools of nursing holding approval based upon national accreditation are also responsible for complying with all other requirements as determined by rules and regulations of the board.

(3) The board may grant approval to a school of nursing with national accreditation for a continuing period *of* not to exceed 10 years.

Sec. 5. K.S.A. 2025 Supp. 65-1120 is hereby amended to read as follows: 65-1120. (a) *Grounds for disciplinary actions.* The board may deny, revoke, limit or suspend any license or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse~~,~~ *or* as an advanced practice registered nurse or as a registered nurse anesthetist that is issued by the board or applied for under this act~~,~~ or may require the licensee to attend a specific number of hours of continuing education in addition to any hours *that* the licensee may already be required to attend or may publicly or privately censure a licensee or holder of a temporary permit or authorization, if the applicant, licensee or holder of a temporary permit or authorization is found after hearing:

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

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

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

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

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

(6) to be a person who has been adjudged in need of a guardian or conservator, or both, under the act for obtaining a guardian or conservator, or both, and who has not been restored to capacity under that act;

(7) to ~~be guilty of~~ *have committed an act of* unprofessional conduct. *"Unprofessional conduct" includes, but is not limited to, an act or failure*

to act related to the licensee's practice of nursing that is performed intentionally or carelessly and causes or is likely to cause harm to a patient. "Unprofessional conduct" does not include *behaviors that are unrelated to the licensee's practice of nursing or ability to ethically and competently practice nursing, such as failure to timely renew a license or late payments for civil debts*. "Unprofessional conduct" may be further ~~as~~ defined by rules and regulations of the board *that are not inconsistent with this paragraph*;

(8) to have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;

(9) to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing authority of another state, agency of the United States government, territory of the United States or country shall constitute prima facie evidence of such a fact for purposes of this paragraph ~~(9)~~; or

(10) to have assisted suicide in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 21-5407, and amendments thereto, as established by any of the following:

(A) A copy of the record of criminal conviction or plea of guilty for a felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 21-5407, and amendments thereto.

(B) A copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. 60-4404, and amendments thereto.

(C) A copy of the record of a judgment assessing damages under K.S.A. 60-4405, and amendments thereto.

(b) *The amendments to subsection (a) by this section shall be construed and applied retroactively.*

(c) Proceedings. Upon filing of a sworn complaint with the board charging a person with ~~having been guilty of~~ *violating* any of the ~~unlawful~~ practices specified in subsection (a), two or more members of the board*, one of whom shall be a nurse with similar clinical or professional experience to the person charged with the violation,* shall investigate the charges~~,~~ or the board may designate and authorize an employee or employees of the board*, one of whom shall be a nurse with similar clinical*

or professional experience to the person charged with the violation, to conduct an investigation. After investigation, the board may ~~institute charges~~ *file a disciplinary action*. If an investigation, in the opinion of the board, reveals reasonable grounds for believing *that* the applicant or licensee ~~is guilty of the charges~~ *has violated the nurse practice act*, the board shall fix a time and place for proceedings, which shall be conducted in accordance with the provisions of the Kansas administrative procedure act. *Any investigation of a licensee or applicant shall be considered closed after one calendar year from the date that the board is first made aware of any licensee's or applicant's alleged violation of the nurse practice act or rules and regulations adopted pursuant to that act, unless a petition has been filed against the licensee or applicant or the licensee has entered into a consent agreement or diversion program. A closed investigation shall not be reopened. Records from a closed investigation may be used by the board in a new investigation if the allegation of the same nature is made against such licensee or applicant.*

~~(c)~~*(d) Witnesses.* No person shall be excused from testifying in any proceedings before the board under this act or in any civil proceedings under this act before a court of competent jurisdiction on the ground that such testimony may incriminate the person testifying, but such testimony shall not be used against the person for the prosecution of any crime under the laws of this state except the crime of perjury as defined in K.S.A. 21-5903, and amendments thereto.

~~(d)~~*(e) Costs.* If final agency action of the board in a proceeding under this section is adverse to the applicant or licensee, the costs of the board's proceedings shall be charged to the applicant or licensee as in ordinary civil actions in the district court, but if the board is the unsuccessful party, the costs *and 50% of reasonable attorney fees* shall be paid by the board. Witness fees and costs may be taxed by the board according to the statutes relating to procedure in the district court. All costs accrued by the board, when it is the successful party, and ~~which~~ *that* the attorney general certifies cannot be collected from the applicant or licensee shall be paid from the board of nursing fee fund. *The board shall not collect any fees for costs accrued by use of an administrative law judge unless all board members were unable to conduct a hearing due to a conflict of interest.* All moneys collected following board proceedings shall be credited in full to the board of nursing fee fund.

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

(1) One or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board;

(2) repeated instances involving failure to adhere to the applicable

standard of care to a degree which constitutes ordinary negligence, as determined by the board; or

(3) a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

~~(f)~~*(g) Criminal justice information.* The board upon request shall receive from the Kansas bureau of investigation such criminal history record information relating to arrests and criminal convictions as necessary for the purpose of determining initial and continuing qualifications of licensees of and applicants for licensure by the board in accordance with K.S.A. 2025 Supp. 22-4715, and amendments thereto.

Sec. 6. K.S.A. 65-1120a is hereby amended to read as follows: 65-1120a. (a) A person whose license has been revoked may apply for reinstatement of the license after the expiration of three years from the effective date of the revocation. Application for reinstatement shall be on a form approved by the board and shall be accompanied by a reinstatement fee established by the board under K.S.A. 65-1118, and amendments thereto. The burden of proof by clear and convincing evidence shall be on the applicant to show sufficient rehabilitation to justify reinstatement of the license. If the board determines a license should not be reinstated, the person shall not be eligible to reapply for reinstatement for three years from the effective date of the denial. All proceedings conducted on an application for reinstatement shall be in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act. The board, on its own motion, may stay the effectiveness of an order of revocation of license.

(b) On or before January 8, 2018, and on or before the first day of the regular session of the Kansas legislature each year thereafter, the board of nursing shall submit a written report to the *Kansas legislative research department and send a digital version or ensure that a digital version of such report is sent to each member of the* senate standing committee on public health and welfare and the house of representatives standing committee on health and human services*, or their successor committees,* that includes on an anonymous but individual and itemized basis: The number of individuals who applied for reinstatement of a revoked license during the immediately preceding calendar year; the amount of moneys charged to each such applicant; the number of such reinstatement applications that were granted and denied; and the basis given to deny any such reinstatement application.

(c) This section shall be *a* part of and supplemental to the Kansas nurse practice act.

Sec. 7. K.S.A. 2025 Supp. 65-1127 is hereby amended to read as follows: 65-1127. (a) A licensee shall report to the board of nursing any information the licensee may have relating to alleged incidents of

malpractice or the qualifications, fitness or character of a person licensed to practice professional nursing or licensed to practice practical nursing, including persons holding a multi-state license under the nurse licensure compact. No person reporting to the board of nursing, under oath and in good faith *under the totality of the circumstances,* any information *that* such person may have relating to alleged incidents of malpractice or the qualifications, fitness or character of a person licensed to practice professional nursing or licensed to practice practical nursing shall be subject to a civil action for damages as a result of reporting such information.

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

(c) The board of nursing shall not take or fail to take, or threaten to take or fail to take, any action against a licensee or applicant, harass or in any other manner retaliate against such licensee or applicant because of lawful acts undertaken in good faith by such licensee or applicant, including:

(1) Making public or private statements about the board of nursing, any of the board's current or former members, agents, employees or individuals considered for nomination to the board;

(2) disclosing information that the licensee or applicant reasonably believes is evidence of a violation of a law or rule and regulation, gross mismanagement, waste of public funds, abuse of authority or a substantial and specific danger to public health and safety;

(3) exercising any appeal, complaint or grievance right granted by state or federal law or rule and regulation or providing assistance to an individual exercising such rights; or

(4) testifying or providing assistance to a law enforcement agency, a court, the Kansas legislature or any agency or entity with legal authority to investigate or provide oversight to the board of nursing.

(d) (1) An individual aggrieved by a violation of this section shall have a private cause of action for actual damages, injunctive relief and any other appropriate relief. Any action commenced under this section shall be brought within two years following the violation.

(2) In an action brought for a violation of this section, a prevailing plaintiff shall recover damages for actual damages, noneconomic damages, including pain and suffering, economic injuries and losses, including future losses or $10,000, whichever is greater, and the cost of the suit, including reasonable attorney fees.

Sec. 8. K.S.A. 65-1131 is hereby amended to read as follows: 65-1131. (a) (1) *Licensure.* Upon application to the board by any professional nurse in this state and upon satisfaction of the standards and requirements established by the board under K.S.A. 65-1130, and amendments thereto, the board may issue a license to such applicant authorizing the applicant to perform the duties of an advanced practice registered nurse as defined by the board under K.S.A. 65-1130, and amendments thereto.

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

(3) *(A)* An application to the board for a license, a license with temporary permit, renewal of a license*, late renewal of a license* and reinstatement of a license shall be upon such ~~form~~ *forms* and contain such information as the board may require and ~~shall be~~ accompanied by a fee~~,~~ to be established by rules and regulations adopted by the board, to assist in defraying the expenses in connection with the issuance of licenses as advanced practice registered nurses, in an amount fixed by the board under K.S.A. 65-1118, and amendments thereto. *A renewal application shall require a licensee to provide such licensee's current contact information, including name, address, phone number and email address. A licensee shall notify the board of a change in name or contact information.*

(B) Once the requirements of this paragraph have been met, a digital notification of submission that contains a receipt for payment of any fees shall promptly be sent to the applicant. If the board has received all of the requirements for renewal licensure under this subsection, the board shall verify accuracy of the application and grant a renewal license within one day after the applicant has submitted all requirements. If the board grants a renewal license or a late renewal license, a digital notification of such renewal shall be sent to the applicant.

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

(5) The executive administrator of the board shall remit all moneys received pursuant to this section to the state treasurer as provided by

K.S.A. 74-1108, and amendments thereto.

(b) The board may grant a one-time temporary permit to practice as an advanced practice registered nurse for a period of not more than 180 days pending completion of the application for a license.

(c) *Exempt license.* The board may issue an exempt license to any advanced practice registered nurse 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 advanced practice registered nursing in Kansas but volunteers advanced practice registered nursing services or is a charitable healthcare provider as defined by K.S.A. 75-6102, and amendments thereto. Each exempt advanced practice registered nurse shall be subject to all provisions of the nurse practice act. Each exempt license may be renewed biennially subject to the provisions of this section. To convert an exempt license to an active license, the exempt advanced practice registered nurse shall meet all the requirements of subsection (a) or K.S.A. 65-1132, and amendments thereto. An advanced practice registered nurse who has been granted an exempt license pursuant to this subsection shall be exempt from the requirements of K.S.A. 40-3402 and 40-3404, and amendments thereto.

(d) *Inactive license.* The board may issue an inactive license to any advanced practice registered nurse 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 advanced practice registered nursing in Kansas. The holder of an inactive license shall not be required to submit evidence of satisfactory completion of a program of continuing education required by K.S.A. 65-1117 and 65-1132, and amendments thereto. An inactive license shall not entitle the holder to engage in advanced practice registered nursing in this state. Each inactive license may be renewed subject to the provisions of this section. An inactive licensee may apply for a license to regularly engage in advanced practice registered nursing upon filing a written reinstatement application with the board. The application shall be on a form provided by the board and shall be accompanied by the license fee established pursuant to K.S.A. 65-1118, and amendments thereto. An applicant for a license to practice as an advanced practice registered nurse who has not been licensed to practice advanced practice registered nursing for five years preceding application shall be required to successfully complete a refresher course as defined by the board. The board shall by rules and regulations establish appropriate continuing education requirements for inactive licensees to become licensed to regularly engage in advanced practice registered nursing in this state. An advanced practice registered nurse who has been

granted an inactive license pursuant to this subsection shall be exempt from the requirements of K.S.A. 40-3402 and 40-3404, and amendments thereto.

(e) The board shall have authority to adopt rules and regulations to carry out the provisions of this section.

Sec. 9. K.S.A. 65-1132 is hereby amended to read as follows: 65-1132. (a) *(1) Except as further provided by this section,* all licenses issued under the provisions of this act, whether initial or renewal, shall ~~expire~~ *have a renewal date set* every two years. The ~~expiration~~ *renewal* date shall be established by rules and regulations of the board.

(2) The board shall send a notice for renewal of a license to every advanced practice registered nurse at least 60 days prior to the ~~expiration~~ *renewal* date of such person's license*, unless such licensee elects to opt out of such notice of renewal being sent to such licensee. The board shall send a digital notice for renewal of license to every registered advanced practice registered nurse at least 90, 60, 30, and seven days prior to the renewal date of such person's license, on the date of renewal of such person's license and seven days following the renewal date of such person's license. If a licensee has already renewed the license, no notice shall be sent.*

(3) Every person who desires to renew such license shall file with the board, on or before the *renewal* date ~~of expiration~~ of such license:

~~(1)~~*(A)* A renewal application together with the prescribed biennial renewal fee;

~~(2)~~*(B)* evidence of completion of continuing education in the advanced practice registered nurse role, which has met the continuing education requirement for an advanced practice registered nurse as developed by the board or by a national organization whose certifying standards are approved by the board as equal to or greater than the corresponding standards established by the board. These continuing education credits approved by the board may be applied to satisfy the continuing education requirements established by the board for licensed professional nurses under K.S.A. 65-1117, and amendments thereto, if the board finds such continuing education credits are equivalent to those required by the board under K.S.A. 65-1117, and amendments thereto; and

~~(3)~~*(C)* proof of evidence of current licensure as a professional nurse.

(4) (A) Upon receipt of such application and payment of any applicable fee, and upon being satisfied that the applicant for renewal of a license meets the requirements established by the board under K.S.A. 65-1130, and amendments thereto, in effect at the time of initial qualification of the applicant, the board shall verify the accuracy of the application and grant a renewal license.

(B) Once the requirements of this paragraph have been met, a digital

notification of submission that contains a receipt for payment of any fees shall promptly be sent to the applicant or licensee. If the board grants a renewal license or a late renewal license, a digital notification of such renewal shall be sent to the applicant or licensee.

(b) *(1)* ~~Any~~ *If a* person ~~who~~ fails to ~~secure~~ *complete* a renewal license prior to the ~~expiration~~ *renewal date* of the license*,* ~~may secure a reinstatement of such lapsed license by making~~ *the board shall provide such person notice of the failure to complete a renewal license, which shall include information that:*

(A) The license may be canceled if not renewed within 90 days following the renewal date;

(B) upon receipt of the renewal application ~~therefor~~ on a form provided by the board*,* ~~upon~~ furnishing proof that the applicant is competent and qualified to act as an advanced practice registered nurse and ~~upon~~ *by* satisfying all of the requirements for ~~reinstatement~~ *late renewal,* including payment to the board of a ~~reinstatement~~ *late renewal* fee as established by the board*, within the 90-day period, the license will not be canceled; and*

(C) if both fees are not received within the 90-day period, the license will be deemed canceled by operation of law and without further proceedings.

(2) If a licensee who has been provided notice of failure to renew does not renew within 30 days following the renewal date and has not submitted an affidavit or a request for inactive license as specified in subsection (a)(3), the board shall digitally send a survey to such person requesting the reason for nonrenewal.

(3) If the board determines that an applicant or licensee is not qualified for licensure or renewal or payment has not been received, the board's sole recourse is to withhold licensure or renewal until such time that the licensee or applicant is qualified and payment is received. If the board makes a determination that an applicant or licensee is not qualified for licensure, the board shall promptly inform the applicant or licensee.

Sec. 10. K.S.A. 2025 Supp. 74-1106 is hereby amended to read as follows: 74-1106. (a) *Appointment, term of office.* (1) The governor shall appoint*, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto,* a board consisting of 11 members of which six shall be registered professional nurses *or advanced practice registered nurses*, two shall be licensed practical nurses and three shall be members of the general public~~, which~~ . *The 11 members* shall constitute a board of nursing, with the duties, power and authority set forth in this act.

(2) Upon the expiration of the term of any registered professional nurse, the Kansas state nurses association shall submit to the governor a list of registered professional nurses containing names of not less than

three times the number of persons to be appointed, and appointments shall be made after consideration of such list for terms of four years and until a successor is appointed and qualified.

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

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

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

(b) *Qualifications of members. (1)* Each member of the board shall be a citizen of the United States and a resident of the state of Kansas. Registered professional nurse members shall possess a license to practice as a professional nurse in this state with at least five years' experience in nursing as such and shall be actively engaged in professional nursing in Kansas at the time of appointment and reappointment. The licensed practical nurse members shall be licensed to practice practical nursing in the state with at least five years' experience in practical nursing and shall be actively engaged in practical nursing in Kansas at the time of appointment and reappointment. The governor shall appoint successors so that the registered professional nurse membership of the board shall consist of at least two members who are engaged in nursing service, at least two members who are engaged in nursing education and at least one member who is engaged in practice as an advanced practice registered nurse or a registered nurse anesthetist. The consumer members shall represent the interests of the general public. At least one consumer member shall not have been involved in providing healthcare. Each member of the board shall take and subscribe the oath prescribed by law for state officers, which oath shall be filed with the secretary of state.

(2) A member shall not serve on the board while also elected to the office of governor or attorney general or a member of the legislature.

(c) *Duties and powers.* (1) The board shall meet annually at Topeka during the month of September and shall elect from its members a president, vice-president and secretary, each of whom shall hold their respective offices for one year. The board shall employ an executive administrator, who shall be a registered professional nurse, who shall not

be a member of the board and who shall be in the unclassified service under the Kansas civil service act, and shall employ such other employees, who shall be in the classified service under the Kansas civil service act as necessary to carry on the work of the board. The information technology and operational staff shall remain employees of the board. As necessary, the board shall be represented by an attorney appointed by the attorney general as provided by law, whose compensation shall be determined and paid by the board with the approval of the governor. The board may hold such other meetings during the year as may be deemed necessary to transact its business.

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

(B) Except for rules and regulations revoked pursuant to K.S.A. 77-426(d), and amendments thereto, prior to the adoption, amendment or repeal of any permanent rule and regulation, the board shall provide at least 60 days' notice via email of such board's intended action to all licenses who have an email on file with the board.

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

(4) The board shall examine, license and renew licenses of duly qualified applicants and conduct hearings upon charges for limitation, suspension or revocation of a license or approval of professional and practical nursing and mental health technician programs and may limit, deny, suspend or revoke for proper legal cause, licenses or approval of professional and practical nursing and mental health technician programs, as hereinafter provided. Examination for applicants for registration shall be given at least twice each year and as many other times as deemed necessary by the board. The board shall promote improved means of nursing education and standards of nursing care through institutes, conferences and other means.

(5) The board shall have a seal of which the executive administrator shall be the custodian. The president and the secretary shall have the power and authority to administer oaths in transacting business of the board, and the secretary shall keep a record of all proceedings of the board and a register of professional and practical nurses and mental health technicians licensed and showing the certificates of registration or licenses granted or revoked, which register shall be open at all times to public

inspection.

(6) The board may enter into contracts as may be necessary to carry out its duties.

(7) The board is hereby authorized to apply for and to accept grants and may accept donations, bequests or gifts. The board shall remit all moneys received by it under this paragraph ~~(7)~~ to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the grants and gifts fund which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or a person designated by the president.

(8) A majority of the board of nursing including two professional nurse members shall constitute a quorum for the transaction of business.

(d) *Subpoenas.* In all investigations and proceedings, the board shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all relevant and necessary papers, books, records, documentary evidence and materials. Any person failing or refusing to appear or testify regarding any matter about which such person may be lawfully questioned or to produce any books, papers, records, documentary evidence or relevant materials in the matter, after having been required by order of the board or by a subpoena of the board to do so, upon application by the board to any district judge in the state, may be ordered by such judge to comply therewith. Upon failure to comply with the order of the district judge, the court may compel obedience by attachment for contempt as in the case of disobedience of a similar order or subpoena issued by the court. A subpoena may be served upon any person named therein anywhere within the state with the same fees and mileage by an officer authorized to serve subpoenas in civil actions in the same procedure as is prescribed by the code of civil procedure for subpoenas issued out of the district courts of this state.

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

(f) Removal of members. The governor may remove any member of the board of nursing for neglect of any duty required by law or rule and

regulation, incompetence, for unprofessional or dishonorable conduct or any other reason permitted under Kansas law.

Sec. 11. K.S.A. 74-1108 is hereby amended to read as follows: 74-1108. *(a)* The executive administrator of the board of nursing shall remit all moneys received by the board from fees, charges or penalties, *disciplinary fines, disciplinary fees, costs or any other source* other than moneys received under K.S.A. 74-1109, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the board of nursing fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person or persons designated by the president.

(b) The board of nursing shall issue a refund from the board of nursing fee fund to an applicant or licensee under reasonable circumstances, including an overpayment or duplicate payment made by such applicant or licensee.

Sec. 12. K.S.A. 74-1110 is hereby amended to read as follows: 74-1110. *(a)* The board of nursing, in addition to any other penalty prescribed by law, may assess a civil fine, after proper notice and an opportunity to be heard, against any person granted a license, certificate of qualification or authorization to practice by the board of nursing for *committing* a violation of a law or rule and regulation ~~applicable to the practice~~ *arising from the practice of nursing as defined in K.S.A. 65-1113, and amendments thereto,* for which such person has been granted a license, certificate of qualification or authorization by the board*, if such violation is proven by clear and convincing evidence,* in an amount *of* not to exceed $1,000 for the first violation, $2,000 for the second violation and $3,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(b) The board shall not assess a fine for any activity related to an initial or renewal licensure.

Sec. 13. K.S.A. 65-1119, 65-1120a, 65-1131, 65-1132, 74-1108 and 74-1110 and K.S.A. 2025 Supp. 65-1117, 65-1118, 65-1120, 65-1127 and 74-1106 are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its

publication in the statute book.