

HOUSE BILL No. 2452

By Committee on Judiciary

8 AN ACT concerning the board of nursing; relating to a central registry
9 of information concerning licensees; amending K.S.A. 65-1117 and 65-
10 4205 and repealing the existing sections.
11

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

13 New Section 1. (a) The executive administrator of the board of nurs-
14 ing shall establish and maintain a central registry of all nurses licensed
15 pursuant to article 11 of chapter 65 of the Kansas Statutes Annotated,
16 and amendments thereto, and all mental health technicians licensed pur-
17 suant to article 42 of chapter 65 of the Kansas Statutes Annotated, and
18 amendments thereto. The purpose of the registry is to be a resource for
19 health care providers, who employ licensed nurses or licensed mental
20 health technicians, or both, when reviewing employment applications of
21 such nurses or technicians. The registry shall be made available only to
22 those health care providers who employ licensed nurses or licensed men-
23 tal health technicians, or both.

24 (b) The administrator shall provide forms for registration and shall
25 refuse any registration not submitted on such form in full detail.

26 (c) Within 30 days of termination or resignation of employment, every
27 health care provider shall submit the name of any licensed nurse or li-
28 censed mental health technician terminated or resigned from
29 employment.

30 (d) Upon termination or resignation, the health care provider shall
31 include a report explaining the circumstances under which the licensed
32 nurse or licensed mental health technician resigned or was terminated.
33 The report shall be available to any health care provider to which such
34 nurse or mental health technician later applies for a position as a nurse
35 or mental health technician. Such nurse or mental health technician may
36 submit a written statement in response to the termination or resignation
37 and any such statement shall be included in the registry file concerning
38 such nurse or mental health technician. The health care provider shall
39 send a copy of the report and notice that the nurse or mental health
40 technician may submit a statement in response to the report to such nurse
41 or mental health technician at the last known address of such nurse or
42 mental health technician by first class mail. The administrator shall adopt
43 a format for the termination report.

- 1 (e) The board of nursing, any officer or employee of the board of
2 nursing, health care provider or any employee of the health care provider
3 shall be absolutely immune from civil liability:
- 4 (1) For the report made in accordance with subsection (d);
5 (2) when responding in writing to a written request concerning a
6 current or former nurse or mental health technician from a prospective
7 health care provider of that nurse or mental health technician for the
8 report made in accordance with subsection (d) and for the disclosure of
9 such report; and
10 (3) for the maintenance and distribution of information in the central
11 registry.
- 12 (f) An employer or prospective employer shall not further disclose
13 any information received from the central registry.
- 14 (g) The board of nursing may adopt rules and regulations to imple-
15 ment the provisions of this section.
- 16 (h) As used in this section, "health care provider" has the meaning
17 ascribed thereto in K.S.A. 65-4921, and amendments thereto.
- 18 Sec. 2. K.S.A. 65-1117 is hereby amended to read as follows: 65-
19 1117. (a) All licenses issued under the provisions of this act, whether initial
20 or renewal, shall expire every two years. The expiration date shall be
21 established by the rules and regulations of the board. The board shall mail
22 an application for renewal of license to every registered professional nurse
23 and licensed practical nurse at least 60 days prior to the expiration date
24 of such person's license. Every person so licensed who desires to renew
25 such license shall file with the board, on or before the date of expiration
26 of such license, a renewal application together with the prescribed bi-
27 ennial renewal fee. Every licensee who is no longer engaged in the active
28 practice of nursing may so state by affidavit and submit such affidavit with
29 the renewal application. An inactive license may be requested along with
30 payment of a fee which shall be fixed by rules and regulations of the
31 board. Except for the first renewal period following licensure by exami-
32 nation or for the first nine months following licensure by reinstatement
33 or endorsement, the board shall require every licensee with an active
34 nursing license to submit with the renewal application evidence of satis-
35 factory completion of a program of continuing nursing education required
36 by the board. The board by duly adopted rules and regulations shall es-
37 tablish the requirements for such program of continuing nursing educa-
38 tion. Continuing nursing education means learning experiences intended
39 to build upon the educational and experiential bases of the registered
40 professional and licensed practical nurse for the enhancement of practice,
41 education, administration, research or theory development to the end of
42 improving the health of the public. Upon receipt of such application,
43 payment of fee, upon receipt of the evidence of satisfactory completion

1 of the required program of continuing nursing education and upon being
2 satisfied that the applicant meets the requirements set forth in K.S.A. 65-
3 1115 or 65-1116 and amendments thereto in effect at the time of initial
4 licensure of the applicant, the board shall verify the accuracy of the ap-
5 plication and grant a renewal license.

6 (b) Any person who fails to secure a renewal license within the time
7 specified herein may secure a reinstatement of such lapsed license by
8 making verified application therefor on a form provided by the board, by
9 rules and regulations, and upon furnishing proof that the applicant is
10 competent and qualified to act as a registered professional nurse or li-
11 censed practical nurse and by satisfying all of the requirements for rein-
12 statement including payment to the board of a reinstatement fee as es-
13 tablished by the board. A reinstatement application for licensure will be
14 held awaiting completion of such documentation as may be required, but
15 such application shall not be held for a period of time in excess of that
16 specified in rules and regulations.

17 (c) *Within 30 days of initial employment, each licensee shall notify*
18 *the board in writing of the place of employment.* Each licensee shall notify
19 the board in writing of a change in name ~~or~~, address *or employment* within
20 30 days of the change. Failure to so notify the board shall not constitute
21 a defense in an action relating to failure to renew a license, nor shall it
22 constitute a defense in any other proceeding.

23 Sec. 3. K.S.A. 65-4205 is hereby amended to read as follows: 65-
24 4205. (a) The board shall mail an application for renewal of license to all
25 licensed mental health technicians at least 60 days prior to the expiration
26 date of December 31. Every mental health technician who desires to
27 renew a license shall file with the board, on or before December 31 of
28 even-numbered years, a renewal application together with the prescribed
29 renewal fee. Every licensee who is no longer engaged in the active prac-
30 tice of mental health technology may so state by affidavit and submit such
31 affidavit with the renewal application. An inactive license may be re-
32 quested along with payment of a fee as determined by rules and regula-
33 tions of the board.

34 Except for the first renewal period following licensure by examination
35 or for the first nine months following licensure by reinstatement or en-
36 dorsement, the board shall require every licensee with an active mental
37 health technology license to submit with the renewal application evidence
38 of satisfactory completion of a program of continuing education required
39 by the board. The board by duly adopted rules and regulations shall es-
40 tablish the requirements for such program of continuing education. Con-
41 tinuing education means learning experiences intended to build upon the
42 educational and experiential bases of the licensed mental health techni-
43 cian for the enhancement of practice, education, administration, research

1 or theory development to the end of improving the health of the public.

2 Upon receipt of such application and evidence of satisfactory comple-
3 tion of the required program of continuing education and upon being
4 satisfied that the applicant meets the requirements set forth in K.S.A. 65-
5 4203 and amendments thereto in effect at the time of initial licensure of
6 the applicant, the board shall verify the accuracy of the application and
7 grant a renewal license.

8 (b) Any licensee who fails to secure a renewal license within the time
9 specified may secure a reinstatement of such lapsed license by making
10 verified application therefor on a form prescribed by the board together
11 with the prescribed reinstatement fee and, satisfactory evidence as re-
12 quired by the board that the applicant is presently competent and qual-
13 ified to perform the responsibilities of a mental health technician and of
14 satisfying all the requirements for reinstatement. A reinstatement appli-
15 cation for licensure will be held awaiting completion of such documen-
16 tation as may be required, but such application shall not be held for a
17 period of time in excess of that specified in rules and regulations.

18 (c) *Within 30 days of initial employment, each licensee shall notify*
19 *the board in writing of the place of employment.* Each licensee shall notify
20 the board in writing of a change in name ~~or~~, address *or employment* within
21 30 days of the change. Failure to so notify the board shall not constitute
22 a defense in an action relating to failure to renew a license, nor shall it
23 constitute a defense in any other proceeding.

24 Sec. 4. K.S.A. 65-1117 and 65-4205 are hereby repealed.

25 Sec. 5. This act shall take effect and be in force from and after Jan-
26 uary 1, 2006, and its publication in the statute book.