

As Amended by House Committee

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~~ **based upon a violation of** the following statutes and regulations ~~that arises from or is related to applications for licensure or license renewal~~ shall be void:

(A) ~~K.S.A. 65-1120(a)(6) prior to July 1, 2019, 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. 60-3-110(v) prior to April 29, 2016, K.A.R. 60-3-110(w) on or after April 29, 2016, 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~~ **based upon a violation of** the statutes or rules and regulations cited in

1 paragraph (1) shall be deemed void.

2 (3) The provisions of this subsection shall not invalidate disciplinary
3 action or void any board action or record ~~related to~~ **based upon** an
4 allegation or violation of any other statute or rule and regulation solely
5 because such disciplinary action also makes reference to a statute or rule
6 and regulation cited in paragraph (1).

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

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

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

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

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

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

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

43 (2) Any record, document or matter voided by this section that has

1 been transmitted to or from the board to any person or entity is deemed to
2 have been submitted in error, and any reference thereto is expunged and
3 deemed never to have occurred.

4 Sec. 2. K.S.A. 2025 Supp. 65-1117 is hereby amended to read as
5 follows: 65-1117. (a)(1) *Except as further provided by this section*, all
6 licenses issued under the provisions of this act, whether initial or renewal,
7 including multi-state licenses under the nurse licensure compact, shall
8 ~~expire~~ *have a renewal date set every two years. The expiration renewal*
9 *date shall be established by the rules and regulations of the board. Any*
10 *licensed nurse may file a multi-state license application together with the*
11 *prescribed multi-state license fee at any time that the nurse holds an active*
12 *license.*

13 (2) The board shall send a notice for renewal of license to every
14 registered professional nurse and licensed practical nurse at least 60 days
15 prior to the ~~expiration~~ *renewal* date of such person's license, *unless such*
16 *licensee elects to opt out of such notice of renewal being sent to such*
17 *licensee. The board shall send a digital notice for renewal of license to*
18 *every registered professional nurse and licensed practical nurse at least*
19 *90, 60, 30, and seven days prior to the renewal date of such person's*
20 *license, on the date of renewal of such person's license and seven days*
21 *following the renewal date of such person's license. If a licensee has*
22 *already renewed a license, no notice shall be sent.*

23 (3) Every person so licensed who ~~desires to renew~~ *seeks renewal of*
24 *such license shall file with the board, on or before the renewal date of*
25 ~~expiration~~ *of such license, a renewal application together with the*
26 *prescribed biennial renewal fee. Every licensee who is no longer engaged*
27 *in the active practice of nursing may so state by affidavit and submit such*
28 *affidavit with the renewal application. An inactive license may be*
29 *requested along with payment of a fee which that shall be fixed set by*
30 *rules and regulations of the board.*

31 (4) Except for the first renewal for a license that ~~expires~~ *is set for*
32 *renewal within 30 months following licensure examination or for renewal*
33 *of a license that expires is set for renewal within the first nine months*
34 *following licensure by reinstatement or endorsement, every licensee with*
35 *an active nursing license shall submit with the renewal application*
36 *evidence of satisfactory completion of a program of continuing nursing*
37 *education required by the board. The board by duly adopted shall adopt*
38 *rules and regulations that establish the requirements for such*
39 *program of continuing nursing education. The renewal application shall*
40 *require a licensee to provide such licensee's current contact information,*
41 *including address, phone number and email address. A licensee shall*
42 *notify the board of a change in name or contact information.*

43 (5) (A) Upon receipt of such application, payment of fee, ~~upon~~ receipt

1 of the evidence of satisfactory completion of the required program of
2 continuing nursing education and ~~upon~~ being satisfied that the applicant
3 meets the requirements set forth in K.S.A. 65-1115 or 65-1116, and
4 amendments thereto, in effect at the time of initial licensure of the
5 applicant, the board shall verify the accuracy of the application and grant a
6 renewal license ~~within one day~~ **five business days** after the applicant
7 submits the requirements of this paragraph.

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

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

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

19 (ii) upon receipt of the ~~may secure a reinstatement of such lapsed~~
20 ~~license by making verified renewal application therefor on a form~~
21 ~~provided by the board, by rules and regulations, and upon~~ furnishing proof
22 that the applicant is competent and qualified to act as a registered
23 professional nurse or licensed practical nurse and by satisfying all of the
24 requirements for ~~reinstatement~~ late renewal, including payment to the
25 board of a ~~reinstatement~~ late renewal fee as established by the board,
26 within the 90-day period, the license will not be canceled; and

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

30 (B) A ~~reinstatement~~ late renewal application for licensure ~~will~~ shall
31 be held awaiting completion of such documentation as may be required,
32 but such application shall not be held for a period of time in excess of that
33 specified in rules and regulations. **A license shall remain valid and active**
34 **during the 90-day period following the renewal date.**

35 (C) A license canceled for failure to renew may be reinstated
36 within three years of cancellation upon:

37 (i) Approval of the board;

38 (ii) payment of the renewal fees then due; and

39 (iii) proof of compliance with the continuing educational
40 requirements established by the board by rules and regulations.

41 (D) A person who has not been in the active practice of the
42 profession for which reinstatement is sought or has not been engaged
43 in a formal educational program during the three years preceding the

1 application for reinstatement may be required to complete such
 2 additional testing, training or education as the board may deem
 3 necessary to establish the licensee's present ability to practice with
 4 reasonable skill and safety.

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

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

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

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

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

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

39 Application for single-state license—professional nurse	\$150
40 Application for single-state license—practical nurse	100
41 Application for single-state biennial renewal of license—professional	
42 nurse and practical nurse	120
43 Application for single-state reinstatement of license	150

1	Application for single-state reinstatement of licenses with temporary	
2	permit	175
3	<i>Application for late renewal of single state license.....</i>	<i>300</i>
4	Application for multi-state license—professional nurse	300
5	Application for multi-state license—practical nurse	300
6	Application for multi-state biennial renewal of license—	
7	professional nurse and practical nurse	200
8	Application for multi-state reinstatement of license	300
9	Application for multi-state reinstatement of licenses	
10	with temporary permit	300
11	<i>Application for late renewal of multi-state license.....</i>	<i>300</i>
12	Application for reinstatement of revoked license	1,000
13	Certified copy of license	25
14	Duplicate of license	25
15	Inactive license	20
16	Application for license—advanced practice registered	
17	nurse	50
18	Application for license with temporary permit—advanced	
19	practice registered nurse	100
20	Application for renewal of license—advanced practice	
21	registered nurse	60
22	Application for reinstatement of license—advanced practice	
23	registered nurse	75
24	<i>Application for late renewal of license—advanced practice</i>	
25	<i> registered nurse.....</i>	<i>300</i>
26	Application for authorization—registered nurse	
27	anesthetist	75
28	Application for authorization with temporary authorization—	
29	registered nurse anesthetist	110
30	Application for biennial renewal of authorization—registered	
31	nurse anesthetist.....	60
32	Application for reinstatement of authorization—registered	
33	nurse anesthetist	75
34	Application for reinstatement of authorization with temporary	
35	authorization—registered nurse anesthetist	100
36	Verification of license to another state	30
37	Application for exempt license—professional and practical	
38	nurse	50
39	Application for biennial renewal of exempt license—	
40	professional and practical nurse	50
41	Application for exempt license—advanced practice registered	
42	nurse	50
43	Application for biennial renewal of exempt license—advanced	

1 practice registered nurse 50

2
3 (b) The board may require that fees paid for any examination under
4 the Kansas nurse practice act be paid directly to the examination service
5 by the person taking the examination.

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

13 Sec. 4. K.S.A. 65-1119 is hereby amended to read as follows: 65-
14 1119. (a) *Application for approval.* An approved school of nursing is one
15 ~~which~~ *that* has been approved as such by the board as meeting the
16 standards of this act; and the rules and regulations of the board. An
17 institution desiring to conduct an approved school of professional or
18 practical nursing shall apply to the board for approval and submit
19 satisfactory proof that it is prepared to and will maintain the standards and
20 basic professional nursing curriculum or the required curriculum for
21 practical nursing, as the case may be, as prescribed by this act and by the
22 rules and regulations of the board. Applications shall be made in writing
23 on forms supplied by the board and shall be submitted to the board
24 together with the application fee fixed by the board. The approval of a
25 school of nursing shall not exceed 10 years after the granting of such
26 approval by the board. An institution desiring to continue to conduct an
27 approved school of professional or practical nursing shall apply to the
28 board for the renewal of approval and submit satisfactory proof that it will
29 maintain the standards and basic professional nursing curriculum or the
30 required curriculum for practical nursing, as the case may be, as prescribed
31 by this act and by the rules and regulations of the board. Applications for
32 renewal of approval shall be made in writing on forms supplied by the
33 board. Each school of nursing shall submit annually to the board an annual
34 fee fixed by the board by rules and regulations to maintain the approval
35 status.

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

43 (c) *Schools for practical nurses.* To qualify as an approved school for

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

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

11 (e) *Survey.* The board shall prepare and maintain a list of approved
12 schools for both professional and practical nurses whose graduates, if they
13 have the other necessary qualifications provided in this act, shall be
14 eligible to apply for a license as a registered professional nurse or as a
15 licensed practical nurse. A survey of the institution or institutions and of
16 the schools applying for approval shall be made by an authorized
17 employee of the board or members of the board, who shall submit a
18 written report of the survey to the board. If, in the opinion of the board, the
19 requirements as prescribed by the board in its rules and regulations for an
20 approved school for professional nurses or for practical nurses are met, it
21 shall so approve the school as either a school for professional nurses or
22 practical nurses, as the case may be. The board shall resurvey approved
23 schools on a periodic basis as determined by rules and regulations. If the
24 board determines that any approved school of nursing is not maintaining
25 the standards required by this act and by rules and regulations prescribed
26 by the board, notice thereof in writing, specifying the failures of such
27 school, shall be given immediately to the school. A school ~~which~~ *that* fails
28 to correct such conditions to the satisfaction of the board within a
29 reasonable time shall be removed from the list of approved schools of
30 nursing until such time ~~as~~ *that* the school shall comply with the standards.
31 All approved schools shall maintain accurate and current records showing
32 in full the theoretical and practical courses given to each student.

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

42 (2) A—"Long-term provider" means a person, organization or
43 institution that is responsible for the development, administration and

1 evaluation of continuing nursing education programs and offerings.
2 Qualification as a long-term approved provider of continuing nursing
3 education offerings shall expire five years after the granting of such
4 approval by the board. An approved long-term provider of continuing
5 nursing education offerings shall submit annually to the board the annual
6 fee established by rules and regulations, along with an annual report for
7 the previous fiscal year. Applications for renewal as an approved long-term
8 provider of continuing nursing education offerings shall be made in
9 writing on forms supplied by the board.

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

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

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

26 (6) An individual designated by a provider of continuing nursing
27 education offerings as an individual responsible for CNE who has held this
28 position for the provider at least five years immediately prior to January 1,
29 1997, shall not be required to have a baccalaureate or higher academic
30 degree in order to be designated by such provider as the individual
31 responsible for CNE.

32 ~~(f)~~(g) *Criteria for evaluating out-of-state schools.* For the purpose of
33 determining whether an applicant for licensure who is a graduate of a
34 school of professional or practical nursing located outside this state meets
35 the requirements of ~~item (2) of subsection (a) of K.S.A. 65-1115(a)(2), and~~
36 ~~amendments thereto or the requirements of item (2) of subsection (a) of~~
37 ~~K.S.A. 65-1116(a)(2), and amendments thereto, as appropriate, the board~~
38 ~~by rules and regulations shall establish criteria for determining whether a~~
39 ~~particular school of professional nursing located outside this state~~
40 ~~maintains standards which are at least equal to schools of professional~~
41 ~~nursing—~~*which that* ~~are approved by the board and whether a particular~~
42 ~~school of practical nursing located outside this state maintains standards~~
43 ~~which that~~ *are at least equal to schools of practical nursing—*~~which that~~ *are*

1 approved by the board. The board may send a questionnaire developed by
2 the board to any school of professional or practical nursing located outside
3 this state for which the board does not have sufficient information to
4 determine whether the school meets the standards established under this
5 subsection~~(f)~~. The questionnaire providing the necessary information shall
6 be completed and returned to the board in order for the school to be
7 considered for approval. The board may contract with investigative
8 agencies, commissions or consultants to assist the board in obtaining
9 information about schools. In entering such contracts the authority to
10 approve schools shall remain solely with the board.

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

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

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

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

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

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

38 (2) to have been guilty of a felony or to have been guilty of a
39 misdemeanor involving an illegal drug offense unless the applicant or
40 licensee establishes sufficient rehabilitation to warrant the public trust,
41 except that notwithstanding K.S.A. 74-120, and amendments thereto, no
42 license or authorization to practice nursing as a licensed professional
43 nurse, as a licensed practical nurse; *or* as an advanced practice registered

1 nurse or registered nurse anesthetist shall be granted to a person with a
2 felony conviction for a crime against persons as specified in article 34 of
3 chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article
4 54 of chapter 21 of the Kansas Statutes Annotated, *and amendments*
5 *thereto*, or K.S.A. 21-6104, 21-6325, 21-6326 or 21-6418, and
6 amendments thereto;

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

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

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

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

17 (7) ~~to be guilty of~~ *have committed an act of* unprofessional conduct.
18 *"Unprofessional conduct" includes, but is not limited to, an act or failure*
19 *to act related to the licensee's practice of nursing that is performed*
20 *intentionally or carelessly and causes or is likely to cause harm to a*
21 *patient. "Unprofessional conduct" does not include behaviors that are*
22 *unrelated to the licensee's practice of nursing or ability to ethically and*
23 *competently practice nursing, such as failure to timely renew a license or*
24 *late payments for civil debts. "Unprofessional conduct" may be further-as*
25 *defined by rules and regulations of the board that are not inconsistent with*
26 *this paragraph;*

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

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

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

1 any of the following:

2 (A) A copy of the record of criminal conviction or plea of guilty for a
3 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 21-
4 5407, and amendments thereto.

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

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

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

12 (c) *Proceedings.*

13 (1) Upon filing of a sworn complaint with the board charging a
14 person with ~~having been guilty of violating~~ any of the ~~unlawful~~ practices
15 specified in subsection (a), two or more members of the board, *one of*
16 *whom shall be a nurse with similar clinical or professional experience to*
17 *the person charged with the violation*, shall investigate the charges; or the
18 board may designate and authorize an employee or employees of the
19 board, *one of whom shall be a nurse with similar clinical or professional*
20 *experience to the person charged with the violation*, **except as provided in**
21 **this paragraph**, to conduct an investigation. **An alleged violation that is**
22 **not related to nor arising from the practice of nursing may be**
23 **investigated by a board member or designee without such similar**
24 **clinical or professional experience.**

25 (2) After investigation, the board may ~~institute charges~~ *file a*
26 *disciplinary action*. If an investigation, in the opinion of the board, reveals
27 reasonable grounds for believing *that* the applicant or licensee ~~is guilty of~~
28 ~~the charges~~ *has violated the nurse practice act*, the board shall fix a time
29 and place for proceedings, which shall be conducted in accordance with
30 the provisions of the Kansas administrative procedure act.

31 (3) *Any investigation of a licensee or applicant shall be considered*
32 *closed 22 months after* ~~one calendar year from~~ *the date that the board is*
33 *first made aware of any licensee's or applicant's alleged violation of the*
34 *nurse practice act or rules and regulations adopted pursuant to that act,*
35 *unless a petition has been filed against the licensee or applicant or the*
36 *licensee has entered into a consent agreement or diversion program. A*
37 *closed investigation shall not be reopened. Records from a closed*
38 *investigation may be used by the board in a new investigation if the*
39 *allegation of the same nature is made against such licensee or applicant.*

40 (e)(d) *Witnesses.* No person shall be excused from testifying in any
41 proceedings before the board under this act or in any civil proceedings
42 under this act before a court of competent jurisdiction on the ground that
43 such testimony may incriminate the person testifying, but such testimony

1 shall not be used against the person for the prosecution of any crime under
2 the laws of this state except the crime of perjury as defined in K.S.A. 21-
3 5903, and amendments thereto.

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

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

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

23 (2) repeated instances involving failure to adhere to the applicable
24 standard of care to a degree which constitutes ordinary negligence, as
25 determined by the board; or

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

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

34 Sec. 6. K.S.A. 65-1120a is hereby amended to read as follows: 65-
35 1120a. (a) A person whose license has been revoked may apply for
36 reinstatement of the license after the expiration of three years from the
37 effective date of the revocation. Application for reinstatement shall be on a
38 form approved by the board and shall be accompanied by a reinstatement
39 fee established by the board under K.S.A. 65-1118, and amendments
40 thereto. The burden of proof by clear and convincing evidence shall be on
41 the applicant to show sufficient rehabilitation to justify reinstatement of
42 the license. If the board determines a license should not be reinstated, the
43 person shall not be eligible to reapply for reinstatement for three years

1 from the effective date of the denial. All proceedings conducted on an
2 application for reinstatement shall be in accordance with the provisions of
3 the Kansas administrative procedure act and shall be reviewable in
4 accordance with the Kansas judicial review act. The board, on its own
5 motion, may stay the effectiveness of an order of revocation of license.

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

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

21 Sec. 7. K.S.A. 2025 Supp. 65-1127 is hereby amended to read as
22 follows: 65-1127. (a) A licensee shall report to the board of nursing any
23 information the licensee may have relating to alleged incidents of
24 malpractice or the qualifications, fitness or character of a person licensed
25 to practice professional nursing or licensed to practice practical nursing,
26 including persons holding a multi-state license under the nurse licensure
27 compact. No person reporting to the board of nursing, under oath and in
28 good faith *under the totality of the circumstances*, any information *that*
29 *such person may have relating to alleged incidents of malpractice or the*
30 *qualifications, fitness or character of a person licensed to practice*
31 *professional nursing or licensed to practice practical nursing shall be*
32 *subject to a civil action for damages as a result of reporting such*
33 *information.*

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

1 reasonably believed to be true or omit any known material fact.

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

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

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

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

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

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

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

29 Sec. 8. K.S.A. 65-1131 is hereby amended to read as follows: 65-
30 1131. (a) (1) *Licensure*. Upon application to the board by any professional
31 nurse in this state and upon satisfaction of the standards and requirements
32 established by the board under K.S.A. 65-1130, and amendments thereto,
33 the board may issue a license to such applicant authorizing the applicant to
34 perform the duties of an advanced practice registered nurse as defined by
35 the board under K.S.A. 65-1130, and amendments thereto.

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

43 (3) (A) An application to the board for a license, a license with

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

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

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

22 (5) The executive administrator of the board shall remit all moneys
23 received pursuant to this section to the state treasurer as provided by
24 K.S.A. 74-1108, and amendments thereto.

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

28 (c) *Exempt license.* The board may issue an exempt license to any
29 advanced practice registered nurse as defined in rules and regulations who
30 makes written application for such license on a form provided by the
31 board, who remits a fee as established pursuant to K.S.A. 65-1118, and
32 amendments thereto, and who is not regularly engaged in advanced
33 practice registered nursing in Kansas but volunteers advanced practice
34 registered nursing services or is a charitable healthcare provider as defined
35 by K.S.A. 75-6102, and amendments thereto. Each exempt advanced
36 practice registered nurse shall be subject to all provisions of the nurse
37 practice act. Each exempt license may be renewed biennially subject to the
38 provisions of this section. To convert an exempt license to an active
39 license, the exempt advanced practice registered nurse shall meet all the
40 requirements of subsection (a) or K.S.A. 65-1132, and amendments
41 thereto. An advanced practice registered nurse who has been granted an
42 exempt license pursuant to this subsection shall be exempt from the
43 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.

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

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

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

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

17 (4) (A) Upon receipt of such application and payment of any
18 applicable fee, and upon being satisfied that the applicant for renewal of a
19 license meets the requirements established by the board under K.S.A. 65-
20 1130, and amendments thereto, in effect at the time of initial qualification
21 of the applicant, the board shall verify the accuracy of the application and
22 grant a renewal license.

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

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

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

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

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

1 *proceedings.*

2 (2) **A license shall remain valid and active during the 90-day**
3 **period following the renewal date.**

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

9 ~~(3)~~(4) *If the board determines that an applicant or licensee is not*
10 *qualified for licensure or renewal or payment has not been received, the*
11 *board's sole recourse is to withhold licensure or renewal until such time*
12 *that the licensee or applicant is qualified and payment is received. If the*
13 *board makes a determination that an applicant or licensee is not qualified*
14 *for licensure, the board shall promptly inform the applicant or licensee.*

15 Sec. 10. K.S.A. 2025 Supp. 74-1106 is hereby amended to read as
16 follows: 74-1106. (a) *Appointment, term of office.* (1) The governor shall
17 appoint, *subject to confirmation by the senate as provided in K.S.A. 75-*
18 *4315b, and amendments thereto,* a board consisting of 11 members of
19 which six shall be registered professional nurses *or advanced practice*
20 *registered nurses,* two shall be licensed practical nurses and three shall be
21 members of the general public, ~~which~~. *The 11 members* shall constitute a
22 board of nursing, with the duties, power and authority set forth in this act.

23 (2) Upon the expiration of the term of any registered professional
24 nurse, the Kansas state nurses association shall submit to the governor a
25 list of registered professional nurses containing names of not less than
26 three times the number of persons to be appointed, and appointments shall
27 be made after consideration of such list for terms of four years and until a
28 successor is appointed and qualified.

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

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

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

43 (b) *Qualifications of members.* ~~(4)~~ Each member of the board shall be

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

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

21 (c) *Duties and powers.* (1) The board shall meet annually at Topeka
22 during the month of September and shall elect from its members a
23 president, vice-president and secretary, each of whom shall hold their
24 respective offices for one year. The board shall employ an executive
25 administrator, who shall be a registered professional nurse, who shall not
26 be a member of the board and who shall be in the unclassified service
27 under the Kansas civil service act, and shall employ such other employees,
28 who shall be in the classified service under the Kansas civil service act as
29 necessary to carry on the work of the board. The information technology
30 and operational staff shall remain employees of the board. As necessary,
31 the board shall be represented by an attorney appointed by the attorney
32 general as provided by law, whose compensation shall be determined and
33 paid by the board with the approval of the governor. The board may hold
34 such other meetings during the year as may be deemed necessary to
35 transact its business.

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

40 (B) *Except for rules and regulations revoked pursuant to K.S.A. 77-*
41 *426(d), and amendments thereto, prior to the adoption, amendment or*
42 *repeal of any permanent rule and regulation, the board shall provide at*
43 *least 60 days' notice via email of such board's intended action to all*

1 *licenses who have an email on file with the board.*

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

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

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

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

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

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

41 (d) *Subpoenas.* In all investigations and proceedings, the board shall
42 have the power to issue subpoenas and compel the attendance of witnesses
43 and the production of all relevant and necessary papers, books, records,

1 documentary evidence and materials. Any person failing or refusing to
2 appear or testify regarding any matter about which such person may be
3 lawfully questioned or to produce any books, papers, records,
4 documentary evidence or relevant materials in the matter, after having
5 been required by order of the board or by a subpoena of the board to do so,
6 upon application by the board to any district judge in the state, may be
7 ordered by such judge to comply therewith. Upon failure to comply with
8 the order of the district judge, the court may compel obedience by
9 attachment for contempt as in the case of disobedience of a similar order
10 or subpoena issued by the court. A subpoena may be served upon any
11 person named therein anywhere within the state with the same fees and
12 mileage by an officer authorized to serve subpoenas in civil actions in the
13 same procedure as is prescribed by the code of civil procedure for
14 subpoenas issued out of the district courts of this state.

15 (e) *Compensation and expenses.* Members of the board of nursing
16 attending meetings of such board, or attending a subcommittee meeting
17 thereof authorized by such board, shall be paid compensation, subsistence
18 allowances, mileage and other expenses as provided in K.S.A. 75-3223,
19 and amendments thereto. No member of the board of nursing shall be paid
20 an amount as provided in K.S.A. 75-3223, and amendments thereto, if
21 such member receives an amount from another governmental or private
22 entity for the purpose for which such amount is payable under K.S.A. 75-
23 3223, and amendments thereto.

24 (f) *Removal of members.* *The governor may remove any member of*
25 *the board of nursing for neglect of any duty required by law or rule and*
26 *regulation, incompetence, for unprofessional or dishonorable conduct or*
27 *any other reason permitted under Kansas law.*

28 Sec. 11. K.S.A. 74-1108 is hereby amended to read as follows: 74-
29 1108. (a) The executive administrator of the board of nursing shall remit
30 all moneys received by the board from fees, charges or penalties,
31 *disciplinary fines, disciplinary fees, costs or any other source* other than
32 moneys received under K.S.A. 74-1109, and amendments thereto, to the
33 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
34 amendments thereto. Upon receipt of each such remittance, the state
35 treasurer shall deposit the entire amount in the state treasury. Ten percent
36 of each such deposit shall be credited to the state general fund and the
37 balance shall be credited to the board of nursing fee fund. All expenditures
38 from such fund shall be made in accordance with appropriation acts upon
39 warrants of the director of accounts and reports issued pursuant to
40 vouchers approved by the president of the board or by a person or persons
41 designated by the president.

42 (b) **Upon request,** *the board of nursing shall issue a refund from the*
43 *board of nursing fee fund to an applicant or licensee under reasonable*

1 *circumstances, including an overpayment or duplicate payment made by*
2 *such applicant or licensee.*

3 Sec. 12. K.S.A. 74-1110 is hereby amended to read as follows: 74-
4 1110. (a) The board of nursing, in addition to any other penalty prescribed
5 by law, may assess a civil fine, after proper notice and an opportunity to be
6 heard, against any person granted a license, certificate of qualification or
7 authorization to practice by the board of nursing for *committing* a violation
8 of a law or rule and regulation ~~applicable to the practice~~ *arising from the*
9 *practice of nursing as defined in K.S.A. 65-1113, and amendments thereto,*
10 *for which such person has been granted a license, certificate of*
11 *qualification or authorization by the board, if such violation is proven by*
12 *clear and convincing evidence,* in an amount *of* not to exceed \$1,000 for
13 the first violation, \$2,000 for the second violation and \$3,000 for the third
14 violation and for each subsequent violation. All fines assessed and
15 collected under this section shall be remitted to the state treasurer in
16 accordance with the provisions of K.S.A. 75-4215, and amendments
17 thereto. Upon receipt of each such remittance, the state treasurer shall
18 deposit the entire amount in the state treasury to the credit of the state
19 general fund.

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

22 Sec. 13. K.S.A. 65-1119, 65-1120a, 65-1131, 65-1132, 74-1108 and
23 74-1110 and K.S.A. 2025 Supp. 65-1117, 65-1118, 65-1120, 65-1127 and
24 74-1106 are hereby repealed.

25 Sec. 14. This act shall take effect and be in force from and after its
26 publication in the statute book.