

SESSION OF 2026

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2528**

As Amended by House Committee of the Whole

**Brief\***

HB 2528, as amended, would amend statutes regarding the Board of Nursing (Board), including voiding disciplinary actions based upon a violation of certain statutes, providing a grace period for nursing license renewal and a process for late renewal, and amending the definition of “unprofessional conduct” under the Kansas Nurse Practice Act (Act), among other changes.

***Expungement of Disciplinary Actions (New Section 1)***

The bill would void any actions taken by the Board or records created on or after January 1, 2005, but prior to July 1, 2026, unless otherwise noted, arising from disciplinary action related to applications for licensure, license renewal, license reinstatement, or practicing while a license has lapsed or expired in violation of the following statutes and regulations, as they were in effect on July 1, 2026:

<b>Statute or Regulation</b>	<b>Short Title/Text</b>
KSA 65-1117 (a) or (b)	Renewal of license; inactive license, fee; continuing education requirements; rules and regulations; notification of change in name or address or criminal conviction; multi-state license.
KSA 65-1118	Fees.
KSA 65-1119	Schools of nursing; approval; approval of providers of continuing education offerings; application fee; criteria for evaluating out-of-state schools; nationally

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

Statute or Regulation	Short Title/Text
	accredited schools of nursing.
KSA 65-1120(a)(1)	(a) Grounds for disciplinary actions. (1) To be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.
KSA 65-1120(a)(6)	Prior to July 1, 2019: (a) Grounds for disciplinary actions. (6) To be guilty of unprofessional conduct as defined by rules and regulations of the Board.
KSA 65-1120(a)(7) or (a)(8)	(a) Grounds for disciplinary actions. (7) To be guilty of unprofessional conduct as defined by rules and regulations of the Board; (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 KSA 65-1114 (Unlawful acts.) and 65-1122 (Misdemeanors; penalties.), and amendments thereto.
KSA 65-1122(f)	It is a violation of law for any person, firm, corporation, or association to: (f) Violate any provisions of the Kansas Nurse Practice Act or rules and regulations adopted pursuant to that Act.
KSA 65-1132	Renewal of license for APRNs; reinstatement of lapsed license.
KSA 65-1154	Application; fees; deposit of moneys.
KSA 65-1155	Expiration of authorization to practice; renewal; lapsed authorization; reinstatement fee.
KSA 65-1159	Qualifications of applicant for renewal of an authorization to practice; continuing education.
KSA 65-4205(a) or (b)	Renewal of license; application; fees; continuing education; renewal of lapsed license.
KSA 65-4208	Fees.

Statute or Regulation	Short Title/Text
KSA 65-4209(a)(8)	(a) The Board may deny, revoke, limit, or suspend any license to practice as a mental health technician issued or applied for in accordance with the provisions of this act, may publicly or privately censure a licensee or may otherwise discipline a licensee upon proof that the licensee: (8) Willfully or repeatedly violated the provisions of the Mental Health Technician's Licensure Act or rules and regulations adopted under that act and amendments thereto.
KSA 74-1110	Civil fine.
KAR 60-3-103	Change of name.
KAR 60-3-108	License expiration and renewal (RNs and LPNs).
KAR 60-3-110(b)	Any of the following shall constitute "unprofessional conduct": (b) Assuming duties and responsibilities within the practice of nursing without making or obtaining adequate preparation or maintaining competency.
KAR 60-3-110(v)	Prior to April 29, 2016: (v) Practicing without a license or while the license has lapsed.
KAR 60-3-110(w)	(w) Practicing without a license or while the license has lapsed.
KAR 60-4-101	On and after April 29, 2016: Payment of fees (RNs and LPNs).
KAR 60-8-101	Payment of fees (mental health technicians).
KAR 60-9-106	Continuing nursing education for license renewal.
KAR 60-9-113(a) or (b)	(a) APRN license renewal. (b) APRN continuing education.
KAR 60-12-104	Continuing education for mental health technicians.

<b>Statute or Regulation</b>	<b>Short Title/Text</b>
KAR 60-12-106	License renewal for mental health technicians.
KAR 60-13-101	Payment of fees (registered nurse anesthetists).
KAR 60-13-111	Continuing education.
KAR 60-13-112	License renewal (registered nurse anesthetists).
KAR 60-3-113	Approval of registered nurse anesthetist continuing education.

For alleged violations or disciplinary actions occurring on or before June 30, 2026, the bill would state that any Board action arising from disciplinary action based upon a violation of the previously listed statutes or rules and regulations would be deemed void. These provisions would not invalidate disciplinary action or void any Board action or record based upon an allegation or violation of any other statute or rule and regulation solely because such disciplinary action also makes reference to one of the previously listed statutes or rules and regulations.

The bill would prohibit the Board from reporting any void material to any person or entity, including the Office of the Inspector General, Nursys Licensure and Disciplinary Data Bank, the National Practitioner Data Bank, or Coordinated Licensure Information System.

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 would be required to promptly notify the person or entity that the agency action has been reversed and is void. The Board would be required to take all reasonable measures to stop publication and dissemination of the void material.

### *Private Cause of Action*

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

The bill would apply to a deceased or former licensee. A surviving spouse, next of kin, or heir could pursue any of the rights granted by the bill on behalf of the deceased or former licensee.

### *Open Records Act Exemption*

Void materials under the bill would be confidential and not subject to the Kansas Open Records Act (KORA). This provision would expire on July 1, 2031, unless the Legislature takes action prior to that date.

### *Required Notice*

The Board would be required to publish the provisions of the bill pertaining to expungement by displaying them on the front page of the Board's website and on the first two pages of the Board's newsletter in July and August 2026.

### *Void Materials*

The bill would define "void" and "voided" to 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 would be reversed, overturned, and declared null and void.

Any record, document, or matter voided by the bill that has been transmitted to or from the Board to any person or entity would be deemed to be submitted in error, and any reference to them would be expunged and deemed to never have occurred.

### ***License Renewals (Sections 2 and 9)***

#### ***Date of Renewal***

The bill would provide for all licenses issued under the Act, whether initial or renewal, to have a renewal date set every two years. The bill would require the Board to set this renewal date in the rules and regulations of the Board.

#### ***Renewal Notices***

The bill would require the Board to send a renewal notice to each registered nurse (RN), licensed practical nurse (LPN), and advanced practice registered nurse (APRN) licensee at least 60 days prior to the renewal date of the person's license and would allow a licensee to elect to opt out of the notice. The bill would require the Board to send a digital notice for renewal of license to every RN, LPN, and APRN licensee at least 90, 60, 30, and 7 days prior to the renewal date of the license, on the date of renewal, and seven days following the renewal. If the licensee has already renewed a license, no notice would be sent.

### *Renewal Application*

The bill would require a renewal application to require a licensee to provide current contact information, including address, phone number, and email address. A licensee would be required to notify the Board of a change in name or contact information.

### *Timeline for Granting Licensure and Digital Notification*

The bill would require the Board to verify the accuracy of applications and grant a renewal license within five business days after an applicant submits a complete application. The bill would require a digital notification of a complete submission that contains a receipt for payment of any fees to be promptly sent to the applicant or licensee. If the Board grants a renewal license or a late renewal license, a digital notification of the renewal would be sent to the applicant or licensee.

### *Grace Period*

The bill would provide for a license to remain valid and active during the 90-day period following the renewal date.

### *Failure to Renew*

If a person fails to complete a renewal application, the bill would require the Board to give the person notice of failure to complete a renewal license, including the following information:

- The license could be canceled if not renewed within 90 days following the renewal date;
- A license will not be canceled if a completed renewal application and late renewal fee are

received by the Board within 90 days following the renewal date; and

- If a completed application and the appropriate fees are not paid within the 90-day period, the license would be deemed canceled by operation of law and without further proceedings.

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 provided in the Act, the Board would be required to digitally send a survey to the person requesting the reason for non-renewal.

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 would be to withhold licensure or renewal until 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 would promptly inform the applicant or licensee.

#### *Renewal of a License Canceled for Failure to Renew*

A license canceled for failure to renew could be reinstated within three years of cancellation upon:

- Approval of the Board;
- Payment of the renewal fees then due; and
- Proof of compliance with the continuing education requirements established by the Board by rules and regulations.

A person who has not been in the active practice of the profession for which reinstatement is sought or who has not been engaged in a formal education program during the three years preceding the application for reinstatement could be required to complete any additional testing, training, or

education deemed necessary by the Board to establish the licensee's present ability to practice with reasonable skill and safety.

***Fees (Section 3)***

The bill would add fees for application for late renewal of a single-state license, application for late renewal of multi-state license, and application for late renewal of an APRN license, all of which would be set at \$300.

***Transcript Requests (Section 4)***

The bill would require all approved schools for professional and practical nurses to, upon request of a current or former student, fulfill transcript requests for licensure or testing by electronically releasing the transcript within five business days of receiving the request.

***Disciplinary Actions and "Unprofessional Conduct"  
(Section 5)***

The bill would amend the definition of "unprofessional conduct" to include, but not be 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" would 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. The term would be further defined by rules and regulations of the Board that are not otherwise inconsistent with the provided definition. These amendments to this definition would be construed and applied retroactively.

### *Investigative Proceedings*

The bill would provide that an investigation looking into a complaint against a licensee would consist of two or more members of the Board or Board employees, one of whom would be a nurse with similar clinical or professional experience to the person charged with the violation, except that the bill would provide for an alleged violation not related to or arising from the practice of nursing to be investigated by a Board member or designee without the relevant experience.

An investigation of a licensee or applicant would be considered closed after 22 months from the date that the Board is made aware of the licensee or applicant's alleged violation of the Nurse Practice Act or related rules and regulations, unless a petition has been filed against the licensee or applicant or the licensee has entered into a consent agreement or diversion program. The bill would prohibit a closed investigation from being reopened. Records from a closed investigation could be used by the Board in a new investigation if the allegation of the same nature is made against the licensee or applicant.

### *Costs*

If an applicant or licensee prevails in a case brought to court, current law provides for costs to be covered by the Board. The bill would provide for 50 percent of reasonable attorney fees to also be paid by the Board. The bill would prohibit the Board from collecting 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.

### *Amended Language*

The bill would amend language in this section referencing "guilt," such as amending "to be guilty of unprofessional conduct" to "to have committed an act of

unprofessional conduct” and “having been guilty of any of the unlawful practices” to “violating any of the practices.”

### ***Reporting (Section 6)***

The bill would require the annual report from the Board regarding reinstatement of revoked licenses to be submitted in writing to the Kansas Legislative Research Department and a digital version to each member of the Senate Committee on Public Health and Welfare and the House Committee on Health and Human Services, or their successor committees.

### ***Lawful Acts Taken in Good Faith (Section 7)***

The bill would require that licensees or any state, regional, or local association of RNs or LPNs and their individual members reporting to the Board regarding alleged instances of malpractice or the qualifications, fitness, or character of a person licensed to practice professional or practical nursing must be considered under the totality of circumstances. The bill would also require the investigation and communication to be made in good faith under the totality of circumstances and not omit any known material fact.

The bill would prohibit the Board from taking, failing to take, threatening to take, or failing to take any action against a licensee or applicant and from harassing or retaliating against the licensee or applicant because of lawful acts taken in good faith by the licensee or applicant, including:

- Making public or private statements about the Board, any of the Board’s current or former members, agents, employees, or individuals considered for nomination to the Board;
- 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;

- Exercising any appeal, complaint, or grievance right granted by state or federal law or rule or regulation or providing assistance to an individual exercising those rights; or
- 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.

An individual aggrieved by a violation of this section would have a private cause of action for actual damages, injunctive relief, and any other appropriate relief. Such actions would be brought within two years following the violation. A prevailing plaintiff would be able to recover damages for actual damages; non-economic 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.

### ***Late Renewal (Section 8)***

The bill would allow licensees to apply for late renewal of a license. A renewal application would require a licensee to provide the licensee's current contact information, including name, address, phone number, and email address. A licensee would be required to notify the Board of a change of name or contact information.

Once requirements have been met, a digital notification of submission that contains a receipt for payment of any fees would promptly be sent to the applicant, and the Board would verify accuracy of the completed application and grant a renewal license within five business days after the applicant

submitted all requirements. A digital notification would also be sent to the applicant upon the Board granting a renewal license or a late renewal license.

### ***Senate Confirmation of Board Members (Section 10)***

The bill would provide for the Senate to confirm appointments to the Board. Current law states that 6 of the 11 members of the Board must be RNs; the bill would state that those 6 members could be RNs or APRNs.

### ***Notification of Rules and Regulations (Section 10)***

Except for rules and regulations revoked pursuant to statute, the bill would require the Board to provide at least 60 days' notice via email to all licensees who have an email on file with the Board of the Board's intended action to adopt, amend, or repeal any permanent rule or regulation.

### ***Removal of Board Members (Section 10)***

The bill would specify that the Governor could remove any member of the Board for:

- Neglect of any duty required by law or rule and regulation;
- Incompetence;
- Unprofessional or dishonorable conduct; or
- Any other reason permitted under Kansas law.

### ***Refunds (Section 11)***

The bill would require the Executive Administrator of the Board to remit all moneys received from disciplinary fines, disciplinary fees, costs, or any other source, in addition to the fees, charges, and penalties under current law.

Upon request, the Board would be required to 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 the applicant or licensee.

### ***Clarification of Violations (Section 12)***

The bill would clarify that the Board may assess a civil fine on violations arising from the practice of nursing as defined under the Kansas Nurse Practice Act, if such violation is proven by clear and convincing evidence. The bill would prohibit the Board from assessing a fine for any activity related to an initial or renewal licensure.

### **Background**

The bill was introduced by the House Committee on Health and Human Services at the request of Representative Pickert.

### ***House Committee on Health and Human Services***

In the House Committee hearing, **proponent** testimony was provided by Representatives Blex and Pickert, a representative of Midland Care Connection, and 12 private citizens. Conferees generally stated that the Board's disciplinary actions regarding non-clinically related issues have been overly punitive and have prevented competent nurses from being able to practice or remain in the nursing profession.

Written-only proponent testimony was provided by 18 private citizens.

**Opponent** testimony was provided by the Executive Administrator and a member of the Board, a representative of the Kansas Advanced Practice Nurse Association, and three

private citizens, who generally expressed concern about implementation of the bill and if its provisions would be in conflict with federal regulations. The conferees generally stated concern for public safety if all disciplinary actions related to “unprofessional conduct” were voided.

Written-only opponent testimony was provided by one private citizen.

No other testimony was provided.

The House Committee amended the bill to:

- Clarify that the bill would void actions or records arising from disciplinary action arising from or related to applications for licensure or license renewal;
- Remove the provision stating a member would not serve on the Board while also serving as Governor, Attorney General, or as a member of the Legislature;
- Add KSA 65-1120(a)(6) prior to July 1, 2019; KSA 60-3-110(v) prior to April 29, 2016; and KAR 60-4-101 on and after April 29, 2016, to the list of statutes and regulations for which disciplinary actions would be void;
- Remove the requirement for the Board to be provided notice before notifying persons or entities that have received void materials regarding disciplinary actions that the action has been voided;
- Extend the time for the Board to issue renewal licenses from one day to five business days;

- Provide for licenses to remain valid and active during the 90-day period following the renewal date;
- Provide a process for licenses canceled for failure to renew to be reinstated within three years of cancellation;
- Provide for investigations regarding non-clinical violations to be performed by a Board member or designee without similar clinical or professional experience;
- Increase the time for investigations of a licensee or applicant to remain open from one calendar year to 22 months;
- Provide for refunds from the Board to be upon request; and
- Make technical and conforming amendments.

#### ***House Committee of the Whole***

The House Committee of the Whole amended the bill to:

- Clarify that disciplinary actions related to applications for licensure, license renewal, license reinstatement, or practicing while a license is lapsed or expired would be expunged; and
- Add KAR 60-3-110(b) to the list of regulations in which disciplinary actions would be expunged.

#### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Board indicates enactment of the bill would increase expenditures by

\$1,696,263 in FY 2027 and \$1,545,000 in FY 2028 from the Board of Nursing Fee Fund to comply with the provisions of the bill. The Board states enactment of the bill would require a substantial operational change and that current staffing levels would not be sufficient to fulfill the requirements in the bill. The Board states it would need an additional 21.00 positions across multiple divisions and agency functions. The 21.00 positions and associated expenditures are listed below:

<b>Division/Area</b>	<b>Position Title</b>	<b>Positions</b>	<b>Expenditures</b>
Investigative	Administrative Assistant	1.00	\$40,000
Investigative	Quality Assurance Nurse	1.00	\$100,000
Investigative	APRN Investigator	2.00	\$150,000
Investigative	Investigators	4.00	\$328,000
Investigative	Triage Nurse	1.00	\$65,000
Disciplinary	Attorney	1.00	\$86,000
Disciplinary	Administrative Assistant	1.00	\$40,000
Customer Service	Representatives	2.00	\$84,000
Licensing	Licensing Specialist II	2.00	\$100,000
Licensing	Senior Licensing Analyst	2.00	\$120,000
Licensing	Director of Licensing	1.00	\$70,000
Information Technology	IT Analyst/Help Desk	2.00	\$110,000
Information Technology	Application Analyst	1.00	\$75,000
<b>Total</b>		<b>21.00</b>	<b>\$1,368,000</b>

Expenditures for salaries and wages would total \$1,368,000 in both FY 2027 and FY 2028. The Board also states it would need to lease additional office space for the

21.00 positions at an estimated cost of \$177,000 per fiscal year, beginning in FY 2027. The agency states it would also need to purchase additional onboarding equipment and technology for the positions at an estimated cost of \$151,263 (\$7,203 per position). The onboarding equipment and technology expenditures would only apply to FY 2027. As a result, the agency states enactment of the bill would increase FY 2027 expenditures by \$1,696,263 from the Board of Nursing Fee Fund (\$1,368,000 salaries and wages + \$177,000 rent + \$151,263 equipment). FY 2028 expenditures would increase by a total of \$1,545,000 from the Board of Nursing Fee Fund (\$1,368,000 salaries and wages + \$177,000 rent). The Board notes enactment of the bill would not affect agency revenues as the majority of revenues it currently receives are from license fees and the bill would not affect the number of licensees. However, the Board notes it would likely need to increase license fees within approximately two years to sustain the additional 21.00 positions. Any fiscal effect associated with the bill is not reflected in *The FY 2027 Governor's Budget Report*.

Health; Board of Nursing; nursing; occupational licensure; unprofessional conduct; expungement