

AGENCY PROGRAM DESCRIPTIONS

Administration: Administration

Subprogram History

The Kansas Board of Nursing was developed via the legislature in 1915 and has statutory authority to license nurses and licensed mental health technicians. The Board has statutory authority to approve the nursing education programs in Kansas. They also have statutory authority to investigate complaints received and present the investigative findings to the Board to determine if a violation of the Nurse Practice Act has occurred. If a violation has occurred the Board can determine the discipline that should occur. K.S.A. 74-1106 includes statutory authority for an eleven member board that constitutes a board of nursing, with the duties, power and authority set forth in the Nurse Practice Act. The Board has the authority to adopt rules and regulations consistent with the Nurse Practice Act. The Board has the authority to employ and executive administration and this staff member shall employ such other employees to carry on the work of the Board. The Board develops a strategic plan for a three year period that also helps to direct staff as to the priorities of the Board. Transparency regarding the activities and performance of the agency staff is important.

Consequences of Not Funding This Subprogram

The Administrative Division oversees the administration of the agency. The Administrative division ensures the financial stability of the agency and identifies resources necessary for the agency to function and obtains those resources. The Administrator of the agency is the liason with the 11 member Board. The Administrative Division ensures the quarterly committee and board meetings occur seamlessly for the committee and board members The Administrator is responsible for legislative initiatives requested by the Board and submitting various required reports to the Legislature. If it was not funded, there would be no oversight of the entire agency.

Statutory Basis

Specific: KSA 74-1106.

Mandatory/Discretionary	MOE/Match Requirement	Program Priority	Subprogram Priority
Mandatory	No	1	1

Discipline: Discipline

Subprogram History

K.S.A. 65-1120 contains the grounds for disciplinary action against licensees that have a license with the Board of Nursing (authorized in 1949). It contains a provision that states the board may designate and authorize an employee or employees of the board to conduct an investigation on complains filed with the board. The board has authorized the RN Practice Specialist, RN Investigators and Special Investigator to conduct the investigations. After the investigation is completed, a summary of the findings are presented to the Investigative Committee, a sub committee of the board, that consists of three Board members. The Investigative Committee determines if there has been a violation of the Nurse Practice Act by the licensee based on the findings of the investigation. If the Investigative Committee (a sub committee of the Board) determines a violation has occurred, the case may be transferred to Disciplinary Counsel (an AAG assigned to the Board of Nursing) for further review and action.

Consequences of Not Funding This Subprogram

Public protection would be jeopardized if licensees who violated the Nurse Practice Act were not disciplined. All complaints received in the office must be reviewed and a priority assigned. Anyone submitting a complaint to the Board of Nursing has the expectation that a thorough investigation will occur and the licensee will be disciplined if a violation occurred. Applicants with a legal history on their criminal background report must be reviewed to determine if it is safe to issue a license to the applicant. If the Investigative Committee (a sub committee of the Board) determines a violation has occurred, the case may be transferred to Disciplinary Counsel (an AAG assigned to the Board of Nursing) for further review and action.

Statutory Basis

Specific: KSA 65-1120.

Mandatory/Discretionary	MOE/Match Requirement	Program Priority	Subprogram Priority
Mandatory	No	1	1

Education: Education

Subprogram History

The authority to oversee the nursing programs in Kansas is in K.S.A. 65-1119 (authorized in 1945). The authority to oversee the mental health technician programs is in K.S.A. 65-4206 (authorized in 1973). Overseeing the programs includes reviewing faculty, curriculum and annual reports submitted by the program. Each program is surveyed every 5 - 10 years to verify the program is in compliance with our regulations for approval of the programs. The first-time licensure examination pass rates are monitored by the Board of Nursing and communicated to the Board and the programs. The Board of Nursing administers the mental health technician licensure examination. Education is provided to the program administrators. The authority to require continuing nursing education for our licensees is in K.S.A. 65-1117 (authorized in 1949) and 65-4205 (authorized in 1973). Annual reports and five-year renewal applications are received from the approved continuing nursing education providers. In the event a continuing nursing education provider wants to provide only one offering multiple times in a two year period, they apply for a single program provider. The authority for IV Therapy providers is in K.S.A. 65-1136 (authorized in 1994). They must submit course rosters, faculty and annual reports that must be reviewed. COVID travel restrictions have impacted the ability to do all the nursing program surveys per schedule and we were able to work with the nursing programs and change most to a virtual survey.

Consequences of Not Funding This Subprogram

Public protection would be jeopardized if there were not licensure qualifications that all applicants must meet before a license was issued. The Board of Nursing checks applications to determine if the licensure qualifications have been met. Licensure is one component that helps establish competency of the nurse and mental health technician.

Statutory Basis

Specific: KSA 65-1117, 65-1119, 65-1136.

Mandatory/Discretionary	MOE/Match Requirement	Program Priority	Subprogram Priority
Mandatory	No	1	1

Investigative: Investigative

Subprogram History

K.S.A. 65-1120 contains the grounds for disciplinary action against licensees that have a license with the Board of Nursing (authorized in 1949). It contains a provision that states the board may designate and authorize an employee or employees of the board to conduct an investigation on complaints filed with the board. The board has authorized the RN Practice Specialist, RN Investigators and Special Investigator to conduct the investigations. After the investigation is completed, a summary of the findings are presented to the Investigative Committee, a sub committee of the board, that consists of three Board members. The Investigative Committee determines if there has been a violation of the Nurse Practice Act by the licensee based on the findings of the investigation.

Consequences of Not Funding This Subprogram

Public protection would be jeopardized if complaints received in the agency were not investigated and licensees who violated the Nurse Practice Act were not disciplined. All complaints received in the office must be reviewed and a priority assigned. Anyone submitting a complaint to the Board of Nursing has the expectation that a thorough investigation will occur and the licensee will be disciplined if a violation occurred. Applicants with a legal history on their criminal background report must be reviewed to determine if it is safe to issue a license to the applicant.

Statutory Basis

Specific: KSA 74-1112, 65-1120, 65-1122.

Mandatory/Discretionary	MOE/Match Requirement	Program Priority	Subprogram Priority
Mandatory	No	1	1

Licensure: Licensure

Subprogram History

Licensure is required for all nurses (LPN, RN, APRN) and licensed mental health technicians to practice in Kansas. Authorization to practice is required for registered nurse anesthetists to practice in Kansas. The licensure of professional nurses (RNs) is required by K.S.A. 65-1115 (authorized in 1949). The licensure of practical nurses (LPNs) is required by K.S.A. 65-1116 (authorized in 1949). The licensure of advanced practice registered nurses is required by K.S.A. 65-1130 (authorized in 1983). The authorization for practice as a registered nurse anesthetist is required by K.S.A. 65-1152 (authorized in 1986). The authorization for licensure of mental health technicians is K.S.A. 65-4203 (authorized in 1973). This licensure program has always been with the Board of Nursing. Two major legislative changes have impacted the licensure program, the requirement of fingerprints for a criminal background report before licensure and the implementation of the Nurse Licensure Compact (NLC). K.S.A. 74-1112 authorizes the Board of Nursing to require an applicant to be fingerprinted and submit to a state and national criminal history record check before being licensed to practice in Kansas. This was authorized in 2008. We performed the fingerprints in our agency until March 2020 at which time we stopped because of the COVID-19 pandemic as we were unable to social distance and obtain fingerprints. Since that time, the equipment outdated and would require the purchase of new, costly equipment. The applicants can obtain fingerprints at the KBI or most law enforcement agencies and then submit the fingerprints to us. This change also assisted to increase the efficiency of our licensing division in processing applications and responding to applicants. The Board of Nursing receives the fingerprint cards and waivers the applicants submit, processes them, and sends them to the KBI. We receive the criminal background report that is generated by the KBI and we process that report. The other major change for licensing was the implementation of the NLC on July 1, 2019. This change allowed LPN and RN applicants the option of another license type, a multistate license. This multistate license would allow the LPN or RN to work on this multistate license in another other jurisdiction that is part of the NLC (presently 37 other states and one U.S. territory). This change was authorized in 2018 and implemented on July 1, 2019. This multistate license increases the mobility of the nurses with a multistate license. This license has proven to be very beneficial during the pandemic.

Consequences of Not Funding This Subprogram

Public protection would be jeopardized if there were not licensure qualifications that all applicants must meet before a license was issued. The Board of Nursing checks applications to determine if the licensure qualifications have been met. Licensure is one component that helps establish competency of the nurse and mental health technician.

Statutory Basis

Specific: KSA 65-1115, 65-1116, 65-1130, 65-1152, 65-4203.

Mandatory/Discretionary	MOE/Match Requirement	Program Priority	Subprogram Priority
Mandatory	No	1	1

Operations IT: Operations IT

Subprogram History

The Operations/IT Division oversees the administration of the agency's 24 X 7 technology systems and eGovernment services, the agency's information security program, KSBN human resources, all agency procurements and the KSBN office facilities. The Board of Nursing is a highly automated agency that provides services to the KSBN Board and committee members, all internal staff and the 71,000+ licensed nurses of Kansas. KSBN was an early adopter of online technologies and was the first Kansas regulatory agency to fully automate online government services and verification technologies since the inception of eGovernment in the early 2000's. These systems interface with various educational and national entities. Over the past fifteen years, KSBN has processed over 500,000 applications, renewals, and reinstatements via our automated systems and increased the volume of licensed nurses, all while continuing to maintain near the same level of staffing within the agency. Our board has accomplished many of these goals by investing in advanced technologies and aggressively pushing towards further automation. These goals can only be accomplished by having updated technology offerings within our portfolio and maintaining competent and qualified staff within the board of nursing to produce these streamlined operations. The department's primary vision is to be "Citizen and Customer Focused - Technology Driven." The Operations/IT division ensures the operational stability of the agency technology resources, information security and human resources for the board of nursing.

Consequences of Not Funding This Subprogram

The Operations/IT Division oversees the administration of the agency's technology systems and eGovernment services, the agency's information security program, KSBN human resources, all agency procurements and the KSBN office facilities. Not funding these critical areas of operations would severely impact all divisions within the agency and public protection would be jeopardized due to the unavailability of the 24 X 7 eGovernment service offerings.

Statutory Basis

Specific: KSA 75-7240.

Mandatory/Discretionary	MOE/Match Requirement	Program Priority	Subprogram Priority
Mandatory	No	1	1

Subprograms Without Narrative Data

AGENCY PERFORMANCE MEASURES

			2022 Actuals	2023 Actuals	2024 Actuals	2025 Actuals	2026 Estimate	2027 Estimate
Administration: Administration								
Goal	Type	Measure						
	Outcome	Annual report is developed and available on our website for each fiscal year	Yes	Yes	No	Yes	Yes	Yes
		Five year review completed on rules and regulations in Nurse Practice Act	Yes	Yes	No	Yes	Yes	Yes

			2022 Actuals	2023 Actuals	2024 Actuals	2025 Actuals	2026 Estimate	2027 Estimate
	Outcome	Performance assessment on outcomes measures identified on strategic plan is reported to the Board annually	Yes	Yes	Yes	Yes	Yes	Yes
	Output	Annual Report is published	Yes	Yes	No	Yes	Yes	Yes
		Number of rules and regulations reviewed as per the scheduled five year review	33	24	46	57	29	22
		Number of rules and regulations revised (due to changes in legislation or updated information)	17	3	13	9	5	5
		Strategic plan is reviewed by the Board annually and contains updated performance assessment on outcomes measures	Yes	Yes	Yes	Yes	Yes	Yes

Discipline: Discipline

Goal	Type	Measure						
		Number of applications denied					7	7
		Number of Consent Agreements and Final Orders			21	99	30	30
		Number of evidentiary hearings			1	0	5	5
		Number of Reinstatements denied from Revoked License	0	0	2	0	7	7
		Number of summary proceeding orders			24	38	60	60
	Outcome	Cost per discipline (includes all discipline actions)	\$6,477.00	\$12,177.00	\$11,683.00	\$3,289.85	\$3,003.52	\$3,003.52
		Number of Diversion agreements	13	5	1	0	0	0
		Number of limited and/or suspended licenses	31	18	13	28	35	35
		Number of revoked licenses	7	3	6	3	10	10

			2022 Actuals	2023 Actuals	2024 Actuals	2025 Actuals	2026 Estimate	2027 Estimate
	Output	Total fines deposited in state general fund for violations of the Nurse Practice Act	\$2,000.00	\$6,500.00	\$3,900.00	\$25,883.00	\$25,000.00	\$25,000.00
Education: Education								
Goal	Type	Measure						
	Outcome	Cost per approved programs (nursing, IV Therapy and CNE programs)	\$2,351.00	\$2,151.00	\$2,978.00	\$1,900.75	\$1,919.93	\$1,919.93
		Percentage of applications for single continuing education provider reviewed within 2 weeks of receiving (started with this measure in FY 19)	100.00%	100.00%	100.00%	100.00%	90.00%	90.00%
		Percentage of continuing nursing education providers submitting a five-year renewal application as per schedule (started with this measure in FY 20)	85.00%	87.00%	85.00%	88.00%	80.00%	80.00%
		Percentage of continuing-nursing education providers submitting an annual report as per regulation	80.00%	82.00%	81.00%	83.00%	80.00%	80.00%
		Percentage of nursing programs submitting an annual report as per regulation	97.00%	100.00%	100.00%	100.00%	100.00%	100.00%
		Percentage of programs surveyed per schedule	94.00%	100.00%	100.00%	100.00%	100.00%	100.00%
		Output	Number of approved continuing education providers	111	114	100	100	100
	Number of approved IV therapy providers		25	18	21	22	20	20
	Number of approved nursing and mental health technicians programs		71	72	75	78	78	78

			2022 Actuals	2023 Actuals	2024 Actuals	2025 Actuals	2026 Estimate	2027 Estimate
Investigative: Investigative								
Goal	Type	Measure						
		Cases opened related to abuse allegations	15	29	49	48	50	55
		Cases opened related to drug diversion, impairment	137	165	117	101	115	125
		Number of CNE Audits	18	50	69	56	50	55
		Percentage of complaints are sworn	25.00%	20.00%	20.00%	21.00%	22.00%	25.00%
	Outcome	Cost per investigation (investigations opened and applications with legal history reviewed)	\$402.00	\$466.00	\$598.00	\$522.60	\$497.08	\$480.32
		Percentage of complaints received in the agency and reviewed by professional staff within 2 weeks of date received	92.00%	95.00%	96.00%	74.00%	90.00%	90.00%
		Percentage of investigations completed within 9 months of opening the case (this timeline is being researched for national benchmarks and will be discussed with our Board)	48.00%	53.00%	93.00%	89.00%	90.00%	90.00%
	Output	Number of applications with legal history reviewed	1,902	1,548	1,368	1,607	1,650	1,700
		Number of complaints received in the agency and reviewed by Professional Staff	513	641	766	714	750	775
		Number of individuals presenting themselves as a nurse but no nursing license (imposter)	5	3	5	4	4	3
		Number of investigations opened	715	690	638	458	500	525

			2022 Actuals	2023 Actuals	2024 Actuals	2025 Actuals	2026 Estimate	2027 Estimate
	Output	Number of nurses practicing without a current nursing license (typically lapsed licenses)	121	48	100	85	75	75
Licensure: Licensure								
Goal	Type	Measure						
	Outcome	Percentage of advanced practice licensure applications processed within 3 business days after receipt of required information	100.00%	100.00%	100.00%	100.00%	95.00%	95.00%
		Percentage of endorsement licensure applications processed within 3 business days after receipt of required information	100.00%	100.00%	100.00%	95.00%	95.00%	95.00%
		Percentage of initial through examination licensure applications processed within 3 business days after receipt of required information	100.00%	100.00%	100.00%	99.00%	95.00%	95.00%
		Percentage of licensure application information entered accurately into the licensing software	100.00%	100.00%	100.00%	99.00%	95.00%	95.00%
		Percentage of reinstatement licensure applications processed within 3 business days after receipt of required information	100.00%	100.00%	100.00%	100.00%	95.00%	95.00%
		Percentage of renewal licensure applications processed within 3 business days after receipt of required information	100.00%	100.00%	100.00%	100.00%	95.00%	95.00%
	Output	Number of licensees	70,716	70,124	71,811	74,352	75,000	75,000

			2022 Actuals	2023 Actuals	2024 Actuals	2025 Actuals	2026 Estimate	2027 Estimate
Issue a license to practice or authorization to practice within 3 business days after receipt of all required information 95% of the time.	Outcome	Cost per license	\$75.00	\$75.00	\$81.00	\$62.50	\$61.95	\$61.95
Provide licenses and license renewals to eligible practical nurses, registered nurses, advanced practice registered nurses, registered nurse anesthetists, and mental health technicians.	Outcome	Cost per license	\$75.00	\$75.00	\$81.00	\$62.50	\$61.95	\$61.95

Operations IT: Operations IT

Goal	Type	Measure						
		Critical data and files are backed up and replicated to multiple off-site locations every 2 hrs			Yes	Yes	Yes	Yes
	Outcome	Image investigative and discipline case files and maintain per agency record retention schedule	0.20	0.40	0.80	0.80	0.80	0.80
		Image licensing files and maintain per agency record retention schedule	0.80	0.80	1.00	1.00	1.00	1.00
		Include funds allocated for staff development in each budget year, based on feedback from the departmental Supervisors and/or to support an agency strategic initiative	50.00%	100.00%	100.00%	100.00%	100.00%	100.00%
		Information security program is reviewed and updated per state guidelines	0.80	0.90	1.00	1.00	1.00	1.00
		Information Technology strategy and architecture plans align with business strategy	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

			2022 Actuals	2023 Actuals	2024 Actuals	2025 Actuals	2026 Estimate	2027 Estimate	
		Critical machines are backed up daily and patched monthly	1	1	1	1	1	1	
		Identify key agency leadership positions that require succession plans	No	No	No	No	Yes	Yes	
		Number of investigative and discipline records indexed in the imaging system	7,858	33,577	32,775	32,471	32,500	32,500	
		Number of licensing files indexed in the imaging system	294,127	352,995	359,928	365,550	370,000	370,000	
	Output	Review and Update Annual Cybersecurity Self-Assessment (CSA)	Yes	Yes	Yes	Yes	Yes	Yes	
		Review and update the agency Continuity of Operations Plan (COOP)	Yes	Yes	Yes	Yes	Yes	Yes	
		Review the salary and staff structures and pay bands of other fee funded and state governmental agencies, and explore how to incorporate a competitive and sustainable program within the board of nursing	No	No			No	Yes	Yes
		Submitted KSBN 3 Year Information Technology Plan to CITO for publication	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Footnotes