

The mission of the Board of Nursing is to assure the citizens of Kansas safe and competent practice by nurses and mental health technicians

Date: February 15, 2024

To: House Health and Human Services Committee
Representative Brenda Landwehr, Chair

From: Carol Moreland, MSN, RN
Executive Administrator
Kansas State Board of Nursing

Subject: HB2793

Position: Opponent - Verbal

The Kansas State Board of Nursing (KSBN) provides this oral testimony in opposition of HB2793 that prohibits a healthcare provider from performing a healthcare service on a minor patient without parental consent. KSBN regulates advanced practice registered nurses (APRNs), registered nurses (RNs) and licensed practical nurses (LPNs). KSBN is authorized to investigate complaints submitted against a licensee and prepare an investigative summary for the Board. The Board members determine if a violation of the Nurse Practice Act has occurred based on facts presented.

HB2793 directs the healthcare provider's appropriate licensing agency, KSBN, to discipline a healthcare provider when the healthcare provider performs a healthcare service on a minor without the consent of the minor's parent. LPNs, RNs and APRNs meet the definition of healthcare provider in this bill. This bill defines healthcare service as a service a healthcare provider is authorized to perform on another individual under the practice of the nurse's license.

The role of KSBN would be to investigate any complaint received when a nurse provides healthcare services on a minor without the consent of the minor's parent while practicing on the nurse's license. A licensed nurse providing a healthcare service contains many actions. Is everything included in the nurse's practice considered a healthcare service, such as obtaining vital signs on a child in a school setting who complains of not feeling well and feels warmer than normal to the touch? The nurse needs to obtain the parent's consent before obtaining the vital signs and completing a nursing assessment? If the parent is not readily available to give consent, then no healthcare service can occur until the parent's consent is obtained?

Determining if the nurse should be subject to professional discipline will be challenging when there is no clear language if this would involve all nursing care, basic to advanced nursing care. Also, if the parent is not available to give consent and the child's health declines because the nurse could not provide nursing care, that may lead to more complaints because the perception may be the nurse did not do anything to help the child. KSBN will need to obtain evidence of parenteral consent and if not, the reason it could not be obtained.

This bill repeals K.S.A. 38-123, which concerns consent for medical care of an unmarried pregnant minor and K.S.A. 65-2892a which concerns examination and treatment of minors for drug abuse, misuse, or addiction. The language in this bill appears to include all nursing actions to a minor.

KSBN opposes HB2793 with the current language. The language needs to be clearer as to what healthcare services a healthcare provider can provide to a minor without parenteral consent. It will be confusing to nurses and challenging to discipline a nurse who provided a basic level of nursing care when it was not possible to get parenteral consent, however that may be the expectation with the language in this bill.