

SENATE BILL No. 174

By Committee on Public Health and Welfare

2-8

1 AN ACT concerning advanced practice registered nurses; relating to the
2 board of nursing; definition of practice; prescribing authority; licensure
3 requirements; rules and regulations; amending K.S.A. 65-1130 and
4 K.S.A. 2020 Supp. 40-3401, 65-1113 and 65-4101 and repealing the
5 existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2020 Supp. 40-3401 is hereby amended to read as
9 follows: 40-3401. As used in this act:

10 (a) "Applicant" means any healthcare provider.

11 (b) "Basic coverage" means a policy of professional liability
12 insurance required to be maintained by each healthcare provider pursuant
13 to the provisions of K.S.A. 40-3402(a) or (b), and amendments thereto.

14 (c) "Commissioner" means the commissioner of insurance.

15 (d) "Fiscal year" means the year commencing on the effective date of
16 this act and each year, commencing on the first day of July thereafter.

17 (e) "Fund" means the healthcare stabilization fund established
18 pursuant to K.S.A. 40-3403(a), and amendments thereto.

19 (f) (1) "Healthcare provider" means a person licensed to practice any
20 branch of the healing arts by the state board of healing arts, a person who
21 holds a temporary permit to practice any branch of the healing arts issued
22 by the state board of healing arts, a person engaged in a postgraduate
23 training program approved by the state board of healing arts, a medical
24 care facility licensed by the state of Kansas, a podiatrist licensed by the
25 state board of healing arts, a health maintenance organization issued a
26 certificate of authority by the commissioner, an optometrist licensed by the
27 board of examiners in optometry, a pharmacist licensed by the state board
28 of pharmacy, a licensed professional nurse who is authorized to practice as
29 a registered nurse anesthetist, a licensed professional nurse who has been
30 granted a temporary authorization to practice nurse anesthesia under
31 K.S.A. 65-1153, and amendments thereto, a professional corporation
32 organized pursuant to the professional corporation law of Kansas by
33 persons who are authorized by such law to form such a corporation and
34 who are healthcare providers as defined by this subsection, a Kansas
35 limited liability company organized for the purpose of rendering
36 professional services by its members who are healthcare providers as

1 defined by this subsection and who are legally authorized to render the
2 professional services for which the limited liability company is organized,
3 a partnership of persons who are healthcare providers under this
4 subsection, a Kansas not-for-profit corporation organized for the purpose
5 of rendering professional services by persons who are healthcare providers
6 as defined by this subsection, a nonprofit corporation organized to
7 administer the graduate medical education programs of community
8 hospitals or medical care facilities affiliated with the university of Kansas
9 school of medicine, a dentist certified by the state board of healing arts to
10 administer anesthetics under K.S.A. 65-2899, and amendments thereto, a
11 psychiatric hospital licensed prior to January 1, 1988, and continuously
12 thereafter under K.S.A. 2015 Supp. 75-3307b, prior to its repeal, and
13 K.S.A. 2020 Supp. 39-2001 et seq., and amendments thereto, ~~or~~ a mental
14 health center or mental health clinic licensed by the state of Kansas. ~~On~~
15 ~~and after January 1, 2015, "healthcare provider" also means, a physician~~
16 ~~assistant licensed by the state board of healing arts, a licensed advanced~~
17 ~~practice registered nurse who is authorized by the board of nursing to~~
18 ~~practice as an advanced practice registered nurse in the classification of a~~
19 ~~nurse-midwife, a licensed advanced practice registered nurse who has been~~
20 ~~granted a temporary authorization by the board of nursing to practice as an~~
21 ~~advanced practice registered nurse in the classification of a nurse-midwife,~~
22 ~~a nursing facility licensed by the state of Kansas, an assisted living facility~~
23 ~~licensed by the state of Kansas ~~or~~, a residential healthcare facility licensed~~
24 ~~by the state of Kansas or an advanced practice registered nurse licensed~~
25 ~~by the board of nursing.~~

26 (2) "Healthcare provider" does not include: ~~(1)~~(A) Any state
27 institution for people with intellectual disability; ~~(2)~~(B) any state
28 psychiatric hospital; ~~(3)~~(C) any person holding an exempt license issued
29 by the state board of healing arts or the board of nursing; ~~(4)~~(D) any
30 person holding a visiting clinical professor license from the state board of
31 healing arts; ~~(5)~~(E) any person holding an inactive license issued by the
32 state board of healing arts; ~~(6)~~(F) any person holding a federally active
33 license issued by the state board of healing arts; ~~(7)~~(G) an advanced
34 practice registered nurse who is authorized by the board of nursing to
35 practice as an advanced practice registered nurse in the classification of
36 nurse-midwife or nurse anesthetist and who practices solely in the course
37 of employment or active duty in the United States government or any of its
38 departments, bureaus or agencies or who provides professional services as
39 a charitable healthcare provider as defined under K.S.A. 75-6102, and
40 amendments thereto; ~~or~~ ~~(8)~~(H) a physician assistant licensed by the state
41 board of healing arts who practices solely in the course of employment or
42 active duty in the United States government or any of its departments,
43 bureaus or agencies or who provides professional services as a charitable

1 healthcare provider as defined under K.S.A. 75-6102, and amendments
2 thereto; or (I) *an advanced practice registered nurse: (i) Holding an*
3 *inactive license issued by the board of nursing; (ii) practicing solely in*
4 *employment for which the advanced practice registered nurse is covered*
5 *under the federal tort claims act or the Kansas tort claims act; (iii)*
6 *practicing solely as a charitable healthcare provider in accordance with*
7 *K.S.A. 75-6102, and amendments thereto; or (iv) practicing solely while*
8 *-serving on active duty in the military service of the United States.*

9 (g) "Inactive healthcare provider" means a person or other entity who
10 purchased basic coverage or qualified as a self-insurer on or subsequent to
11 the effective date of this act but who, at the time a claim is made for
12 personal injury or death arising out of the rendering of or the failure to
13 render professional services by such healthcare provider, does not have
14 basic coverage or self-insurance in effect solely because such person is no
15 longer engaged in rendering professional service as a healthcare provider.

16 (h) "Insurer" means any corporation, association, reciprocal
17 exchange, inter-insurer and any other legal entity authorized to write
18 bodily injury or property damage liability insurance in this state, including
19 workers compensation and automobile liability insurance, pursuant to the
20 provisions of the acts contained in article 9, 11, 12 or 16 of chapter 40 of
21 the Kansas Statutes Annotated, and amendments thereto.

22 (i) "Plan" means the operating and administrative rules and
23 procedures developed by insurers and rating organizations or the
24 commissioner to make professional liability insurance available to
25 healthcare providers.

26 (j) "Professional liability insurance" means insurance providing
27 coverage for legal liability arising out of the performance of professional
28 services rendered or that should have been rendered by a healthcare
29 provider.

30 (k) "Rating organization" means a corporation, an unincorporated
31 association, a partnership or an individual licensed pursuant to K.S.A. 40-
32 956, and amendments thereto, to make rates for professional liability
33 insurance.

34 (l) "Self-insurer" means a healthcare provider who qualifies as a self-
35 insurer pursuant to K.S.A. 40-3414, and amendments thereto.

36 (m) "Medical care facility" means the same when used in the
37 healthcare provider insurance availability act as defined in K.S.A. 65-425,
38 and amendments thereto, except that as used in the healthcare provider
39 insurance availability act such term, as it relates to insurance coverage
40 under the healthcare provider insurance availability act, also includes any
41 director, trustee, officer or administrator of a medical care facility.

42 (n) "Mental health center" means a mental health center licensed by
43 the state of Kansas under K.S.A. 2020 Supp. 39-2001 et seq., and

1 amendments thereto, except that as used in the healthcare provider
2 insurance availability act such term, as it relates to insurance coverage
3 under the healthcare provider insurance availability act, also includes any
4 director, trustee, officer or administrator of a mental health center.

5 (o) "Mental health clinic" means a mental health clinic licensed by
6 the state of Kansas under K.S.A. 2020 Supp. 39-2001 et seq., and
7 amendments thereto, except that as used in the healthcare provider
8 insurance availability act such term, as it relates to insurance coverage
9 under the healthcare provider insurance availability act, also includes any
10 director, trustee, officer or administrator of a mental health clinic.

11 (p) "State institution for people with intellectual disability" means
12 Winfield state hospital and training center, Parsons state hospital and
13 training center and the Kansas neurological institute.

14 (q) "State psychiatric hospital" means Larned state hospital,
15 Osawatomie state hospital and Rainbow mental health facility.

16 (r) "Person engaged in residency training" means:

17 (1) A person engaged in a postgraduate training program approved by
18 the state board of healing arts who is employed by and is studying at the
19 university of Kansas medical center only when such person is engaged in
20 medical activities that do not include extracurricular, extra-institutional
21 medical service for which such person receives extra compensation and
22 that have not been approved by the dean of the school of medicine and the
23 executive vice-chancellor of the university of Kansas medical center.
24 Persons engaged in residency training shall be considered resident
25 healthcare providers for purposes of K.S.A. 40-3401 et seq., and
26 amendments thereto; and

27 (2) a person engaged in a postgraduate training program approved by
28 the state board of healing arts who is employed by a nonprofit corporation
29 organized to administer the graduate medical education programs of
30 community hospitals or medical care facilities affiliated with the university
31 of Kansas school of medicine or who is employed by an affiliate of the
32 university of Kansas school of medicine as defined in K.S.A. 76-367, and
33 amendments thereto, only when such person is engaged in medical
34 activities that do not include extracurricular, extra-institutional medical
35 service for which such person receives extra compensation and that have
36 not been approved by the chief operating officer of the nonprofit
37 corporation or the chief operating officer of the affiliate and the executive
38 vice-chancellor of the university of Kansas medical center.

39 (s) "Full-time physician faculty employed by the university of Kansas
40 medical center" means a person licensed to practice medicine and surgery
41 who holds a full-time appointment at the university of Kansas medical
42 center when such person is providing healthcare. A person licensed to
43 practice medicine and surgery who holds a full-time appointment at the

1 university of Kansas medical center may also be employed part-time by
2 the United States department of veterans affairs if such employment is
3 approved by the executive vice-chancellor of the university of Kansas
4 medical center.

5 (t) "Sexual act" or "sexual activity" means that sexual conduct that
6 constitutes a criminal or tortious act under the laws of the state of Kansas.

7 (u) "Board" means the board of governors created by K.S.A. 40-3403,
8 and amendments thereto.

9 (v) "Board of directors" means the governing board created by K.S.A.
10 40-3413, and amendments thereto.

11 (w) "Locum tenens contract" means a temporary agreement not
12 exceeding 182 days per calendar year that employs a healthcare provider
13 to actively render professional services in this state.

14 (x) "Professional services" means patient care or other services
15 authorized under the act governing licensure of a healthcare provider.

16 (y) "Healthcare facility" means a nursing facility, an assisted living
17 facility or a residential healthcare facility as all such terms are defined in
18 K.S.A. 39-923, and amendments thereto.

19 (z) "Charitable healthcare provider" means the same as defined in
20 K.S.A. 75-6102, and amendments thereto.

21 Sec. 2. K.S.A. 2020 Supp. 65-1113 is hereby amended to read as
22 follows: 65-1113. ~~When used in this act and the act of which this section is~~
23 ~~amendatory~~ *As used in the Kansas nurse practice act:*

24 (a) "Board" means the board of nursing.

25 (b) "Diagnosis" in the context of nursing practice, *for licensed*
26 *practical nurses and registered nurses*, means ~~that the~~ identification of and
27 discrimination between physical and psychosocial signs and symptoms
28 essential to effective execution and management of the ~~nursing regimen~~
29 ~~and shall be construed as distinct from a medical diagnosis~~ *nursing*
30 *regimen. Advanced practice registered nurses are educated and trained in*
31 *using diagnoses and may develop primary and differential diagnoses*
32 *within the advanced practice registered nurse scope of practice.*

33 (c) "Treatment" means the selection and performance of those
34 therapeutic measures essential to effective ~~execution~~ *implementation* and
35 management of the ~~nursing regimen~~, ~~and any prescribed medical regimen~~
36 *patient's healthcare, determined by the nurse's level of education.*

37 (d) *Practice of nursing.* (1) The practice of professional nursing as
38 performed by a registered professional nurse for compensation or
39 gratuitously, except as permitted by K.S.A. 65-1124, and amendments
40 thereto, means the process in which substantial specialized knowledge
41 derived from the biological, physical, and behavioral sciences is applied
42 to: the care, diagnosis, treatment, counsel and health teaching of persons
43 who are experiencing changes in the normal health processes or who

1 require assistance in the maintenance of health or the prevention or
2 management of illness, injury or infirmity; administration, supervision or
3 teaching of the process as defined in this section; and the execution of the
4 ~~medical~~ *treatment* regimen as prescribed by a person licensed to practice
5 medicine and surgery or a person licensed to practice dentistry *or an*
6 *individual licensed to practice advanced practice registered nursing.*

7 (2) The practice of nursing as a licensed practical nurse means the
8 performance for compensation or gratuitously, except as permitted by
9 K.S.A. 65-1124, and ~~any~~ amendments thereto, of tasks and responsibilities
10 defined in paragraph (1), ~~which tasks and responsibilities~~ *that* are based on
11 acceptable educational preparation within the framework of supportive and
12 restorative care under the direction of a registered professional nurse, a
13 person licensed to practice medicine and surgery or a person licensed to
14 practice dentistry.

15 (3) *The practice of professional nursing as an advanced practice*
16 *registered nurse as defined in subsection (g) within the APRN role means,*
17 *in addition to the practice and responsibilities of professional nursing as*
18 *defined in paragraph (1): Conducting an advanced assessment; ordering*
19 *and interpreting diagnostic procedures; establishing primary and*
20 *differential diagnoses; prescribing, ordering, administering and furnishing*
21 *therapeutic measures as set forth by the board; delegating and assigning*
22 *therapeutic measures to assistive personnel; collaborating and consulting*
23 *with physicians and other healthcare providers; providing referrals to*
24 *healthcare providers, agencies and community resources; and other acts*
25 *that require education and training consistent with the professional*
26 *standards and commensurate with the APRN's education, certification,*
27 *demonstrated competencies and experience.*

28 (e) A "professional nurse" means a person who is licensed to practice
29 professional nursing as defined in subsection (d)(1).

30 (f) A "practical nurse" means a person who is licensed to practice
31 practical nursing as defined in subsection (d)(2).

32 (g) "Advanced practice registered nurse" or "APRN" means a
33 professional nurse who holds a license from the board to ~~function~~ *practice*
34 *advanced practice registered nursing as defined in subsection (d)(3) as a*
35 *professional nurse in an advanced role, and this advanced role shall may be*
36 *further defined by rules and regulations consistent with the Kansas nurse*
37 *practice act adopted by the board in accordance with K.S.A. 65-1130, and*
38 *amendments thereto.*

39 (h) "Continuing nursing education" means learning experiences
40 intended to build upon the educational and experiential bases of the
41 registered professional and licensed practical nurse for the enhancement of
42 practice, education, administration, research or theory development to the
43 end of improving the health of the public.

1 (i) "Collaboration" means the process by which two or more
2 healthcare professionals work together to meet the healthcare needs of a
3 patient, as warranted by the patient.

4 (j) "Consultation" means the process by which an advanced practice
5 registered nurse who maintains primary management responsibility for a
6 patient's care seeks advice or opinion of a physician or another member of
7 the healthcare team.

8 Sec. 3. K.S.A. 65-1130 is hereby amended to read as follows: 65-
9 1130. (a) No professional nurse shall announce or represent to the public
10 that such person is an advanced practice registered nurse unless such
11 professional nurse has complied with requirements established by the
12 board and holds a valid license as an advanced practice registered nurse in
13 accordance with the provisions of this section.

14 (b) (1) The board shall establish standards and requirements for any
15 professional nurse who desires to obtain licensure as an advanced practice
16 registered nurse. Such standards and requirements shall include, but not be
17 limited to, standards and requirements relating to the education of
18 advanced practice registered nurses. The board may give such
19 examinations and secure such assistance as it deems necessary to
20 determine the qualifications of applicants.

21 (2) *On and after July 1, 2022, an applicant for an initial advanced*
22 *practice registered nurse license shall have a current advanced practice*
23 *registered nurse certification in such applicant's specific role granted by a*
24 *national certifying organization recognized by the board whose*
25 *certification standards are approved by the board as equal to or greater*
26 *than the corresponding standards established by the board.*

27 (c) The board shall adopt rules and regulations *consistent with the*
28 *Kansas nurse practice act* applicable to advanced practice registered
29 nurses ~~which that~~:

30 (1) Establish roles and identify titles and abbreviations of advanced
31 practice registered nurses ~~which that~~ are consistent with nursing practice
32 specialties recognized by the nursing profession *including titles describing*
33 *the four APRN roles of certified registered anesthetist, clinical nurse*
34 *specialist, certified nurse midwife and certified nurse practitioner.*

35 (2) Establish education and qualifications necessary for licensure for
36 each role of advanced practice registered nurse established by the board ~~at~~
37 ~~a level adequate to assure the competent performance by advanced~~
38 ~~practice registered nurses of functions and procedures which advanced~~
39 ~~practice registered nurses are authorized to perform. Advanced practice~~
40 ~~registered nursing is based on knowledge and skills acquired in. Education~~
41 *and qualifications for APRN licensure established by the board shall*
42 *include completion of basic nursing education, licensure as a registered*
43 *nurse and graduation from or completion of a master's or higher degree an*

1 *accredited graduate or post-graduate level APRN program* in one of the
2 advanced practice registered nurse roles approved by the board of nursing.

3 (3) Define the role of advanced practice registered nurses and
4 establish limitations and restrictions on such role *consistent with the*
5 *Kansas nurse practice act*. The board shall adopt a definition of the role
6 ~~under this paragraph which~~ *that* is consistent with the education and
7 qualifications required to obtain a license as an advanced practice
8 registered nurse, ~~which that~~ protects the public from persons performing
9 functions and procedures as advanced practice registered nurses for which
10 they lack adequate education and qualifications and ~~which that~~ authorizes
11 advanced practice registered nurses to perform acts generally recognized
12 by the profession of nursing as capable of being performed, in a manner
13 consistent with the public health and safety, by persons with postbasic
14 education in nursing. In defining such role the board shall consider:

15 (A) The education required for a licensure as an advanced practice
16 registered nurse;

17 (B) the type of nursing practice and preparation in specialized
18 advanced practice skills involved in each role of advanced practice
19 registered nurse established by the board;

20 (C) the scope and limitations of advanced practice nursing prescribed
21 by national advanced practice organizations. *Advanced practice nursing is*
22 *built on the practice of health promotion, health maintenance, illness*
23 *prevention, diagnosis, treatment and management of common health*
24 *problems and acute and chronic conditions; and*

25 (D) acts recognized by the nursing profession as appropriate to be
26 performed by persons with postbasic education in nursing.

27 (4) *Require an advanced practice registered nurse to wear*
28 *identification that clearly identifies the nurse as an advanced practice*
29 *registered nurse when providing direct patient care, unless wearing*
30 *identification creates a safety or health risk to the nurse or patient.*

31 (d)(1) An advanced practice registered nurse may prescribe ~~drugs~~
32 ~~pursuant to a written protocol as authorized by a responsible physician.~~
33 ~~Each written protocol shall contain a precise and detailed medical plan of~~
34 ~~care for each classification of disease or injury for which the advanced~~
35 ~~practice registered nurse is authorized to prescribe and shall specify all~~
36 ~~drugs which may be prescribed by the advanced practice registered nurse.~~
37 ~~Any written, procure and administer prescription drugs and controlled~~
38 ~~substances in schedules II through V pursuant to applicable federal and~~
39 ~~state laws. An advanced practice registered nurse shall not prescribe any~~
40 ~~drug that is intended to cause an abortion.~~

41 (2) A prescription order shall include the name, address and telephone
42 number of the ~~responsible physician.~~ *The advanced practice registered*
43 *nurse. An advanced practice registered nurse may not dispense drugs; but*

1 may request, receive and sign for professional samples and may distribute
2 professional samples to patients ~~pursuant to a written protocol as~~
3 ~~authorized by a responsible physician.~~

4 (3) In order to prescribe controlled substances, the advanced practice
5 registered nurse shall:

6 ~~(1)(A)~~ Register with the federal drug enforcement administration; and

7 ~~(2)(B)~~ notify the board of the ~~name and address of the responsible~~
8 ~~physician or physicians. In no case shall the scope of authority of the~~
9 ~~advanced practice registered nurse exceed the normal and customary~~
10 ~~practice of the responsible physician federal drug enforcement~~
11 ~~administration registration as prescribed by the rules and regulations of~~
12 ~~the board. An advanced practice registered nurse shall comply with~~
13 ~~federal drug enforcement administration requirements relating to~~
14 ~~controlled substances.~~

15 (4) An advanced practice registered nurse certified in the role of
16 registered nurse anesthetist while functioning as a registered nurse
17 anesthetist under K.S.A. 65-1151 through 65-1164, and amendments
18 thereto, shall be subject to the provisions of K.S.A. 65-1151 through 65-
19 1164, and amendments thereto, with respect to drugs and anesthetic agents
20 and shall not be subject to the provisions of this subsection. ~~For the~~
21 ~~purposes of this subsection, "responsible physician" means a person~~
22 ~~licensed to practice medicine and surgery in Kansas who has accepted~~
23 ~~responsibility for the protocol and the actions of the advanced practice~~
24 ~~registered nurse when prescribing drugs.~~

25 (5) *An advanced practice registered nurse shall maintain malpractice*
26 *insurance coverage in effect as a condition of rendering professional*
27 *service as an advanced practice registered nurse in this state and shall*
28 *provide proof of insurance at the time of licensure and renewal of license.*
29 *The requirements of this paragraph shall not apply to an advanced*
30 *practice registered nurse who: Practices solely in employment for which*
31 *the advanced practice registered nurse is covered under the federal tort*
32 *claims act or Kansas tort claims act; practices solely as a charitable*
33 *healthcare provider under K.S.A. 75-6102, and amendments thereto; or is*
34 *-serving on active duty in the military service of the United States.*

35 (e) As used in this section, "drug" means those articles and substances
36 defined as drugs in K.S.A. 65-1626 and 65-4101, and amendments thereto.

37 (f) A person registered to practice as an advanced registered nurse
38 practitioner in the state of Kansas immediately prior to the effective date of
39 this act shall be deemed to be licensed to practice as an advanced practice
40 registered nurse under this act and such person shall not be required to file
41 an original application for licensure under this act. Any application for
42 registration filed ~~which~~ *that* has not been granted prior to the effective date
43 of this act shall be processed as an application for licensure under this act.

1 (g) An advanced practice registered nurse certified in the role of
2 certified nurse-midwife and engaging in the independent practice of
3 midwifery under the independent practice of midwifery act with respect to
4 prescribing drugs shall be subject to the provisions of the independent
5 practice of midwifery act and shall not be subject to the provisions of this
6 section.

7 (h) (1) *Advanced practice registered nurses licensed in Kansas shall*
8 *complete 4,000 hours of clinical practice hours or clinical instructional*
9 *hours within four years under an authorization for collaborative practice*
10 *as defined in K.A.R. 60-11-101 with a physician or a full practice*
11 *authority advanced practice registered nurse.*

12 (2) *Any advanced practice registered nurse applying for licensure by*
13 *endorsement who has completed at least 4,000 clinical practice hours or*
14 *clinical instructional hours within four years immediately preceding the*
15 *endorsement application shall be deemed as completing the transition to*
16 *full practice authority.*

17 (3) *Any advanced practice registered nurse applying for licensure by*
18 *endorsement, who has completed less than 4,000 clinical practice hours or*
19 *clinical instructional hours within four years immediately preceding the*
20 *endorsement application may provide documentation of accrued hours, if*
21 *applicable, to count toward the hours needed for the transition to full*
22 *practice authority program.*

23 (4) *Prior to the enactment of this section, any advanced practice*
24 *registered nurse licensed in Kansas having at least 4,000 hours of practice*
25 *as required by the board of nursing shall be deemed to have completed the*
26 *transition to practice program.*

27 (5) *An advanced practice registered nurse in the transition period*
28 *program may engage in the practice of nursing as an advanced practice*
29 *registered nurse and may prescribe, procure and administer prescription*
30 *drugs as part of the authorization for collaborative practice described in*
31 *paragraph (2).*

32 (6) *The board shall specify the manner and form in which a*
33 *transition period advanced practice registered nurse may identify and*
34 *represent such credentials, professionally and to the public.*

35 (7) *A transition period advanced practice registered nurse shall*
36 *complete any documentation required by the board to demonstrate*
37 *completion of the transition program prior to becoming a full practice*
38 *advanced practice registered nurse. Upon successful completion of the*
39 *transition program, the board shall authorize the advanced practice*
40 *registered nurse to engage in the practice of advanced practice registered*
41 *nursing without an authorization for collaborative practice as defined in*
42 *K.A.R. 60-11-101.*

43 (8) *The board shall adopt rules and regulations as necessary to*

1 *implement and administer the provisions of this subsection.*

2 (9) *As used in this subsection, "full practice" means to engage in the*
3 *practice of professional nursing as an advanced practice registered nurse*
4 *who is exempt from or has completed the transition to practice program*
5 *described in K.S.A. 65-1130, and amendments thereto, as authorized under*
6 *the Kansas nurse practice act and rules and regulations adopted*
7 *thereunder.*

8 (10) *Nothing in this act shall be construed to prohibit an advanced*
9 *practice registered nurse from voluntarily entering into a collaborative*
10 *practice agreement.*

11 (i) *Nothing in this section shall be construed to expand the scope of*
12 *practice of an advanced practice registered nurse duly licensed in this*
13 *state.*

14 Sec. 4. K.S.A. 2020 Supp. 65-4101 is hereby amended to read as
15 follows: 65-4101. As used in this act:

16 (a) "Administer" means the direct application of a controlled
17 substance, whether by injection, inhalation, ingestion or any other means,
18 to the body of a patient or research subject by:

19 (1) A practitioner or pursuant to the lawful direction of a practitioner;
20 or

21 (2) the patient or research subject at the direction and in the presence
22 of the practitioner.

23 (b) "Agent" means an authorized person who acts on behalf of or at
24 the direction of a manufacturer, distributor or dispenser. It does not include
25 a common carrier, public warehouseman or employee of the carrier or
26 warehouseman.

27 (c) "Application service provider" means an entity that sells
28 electronic prescription or pharmacy prescription applications as a hosted
29 service where the entity controls access to the application and maintains
30 the software and records on its server.

31 (d) "Board" means the state board of pharmacy.

32 (e) "Bureau" means the bureau of narcotics and dangerous drugs,
33 United States department of justice, or its successor agency.

34 (f) "Controlled substance" means any drug, substance or immediate
35 precursor included in any of the schedules designated in K.S.A. 65-4105,
36 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

37 (g) (1) "Controlled substance analog" means a substance that is
38 intended for human consumption, and at least one of the following:

39 (A) The chemical structure of the substance is substantially similar to
40 the chemical structure of a controlled substance listed in or added to the
41 schedules designated in K.S.A. 65-4105 or 65-4107, and amendments
42 thereto;

43 (B) the substance has a stimulant, depressant or hallucinogenic effect

1 on the central nervous system substantially similar to the stimulant,
2 depressant or hallucinogenic effect on the central nervous system of a
3 controlled substance included in the schedules designated in K.S.A. 65-
4 4105 or 65-4107, and amendments thereto; or

5 (C) with respect to a particular individual, such individual represents
6 or intends the substance to have a stimulant, depressant or hallucinogenic
7 effect on the central nervous system substantially similar to the stimulant,
8 depressant or hallucinogenic effect on the central nervous system of a
9 controlled substance included in the schedules designated in K.S.A. 65-
10 4105 or 65-4107, and amendments thereto.

11 (2) "Controlled substance analog" does not include:

12 (A) A controlled substance;

13 (B) a substance for which there is an approved new drug application;

14 or

15 (C) a substance with respect to which an exemption is in effect for
16 investigational use by a particular person under section 505 of the federal
17 food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with
18 respect to the substance is permitted by the exemption.

19 (h) "Counterfeit substance" means a controlled substance that, or the
20 container or labeling of which, without authorization bears the trademark,
21 trade name or other identifying mark, imprint, number or device or any
22 likeness thereof of a manufacturer, distributor or dispenser other than the
23 person who in fact manufactured, distributed or dispensed the substance.

24 (i) "Cultivate" means the planting or promotion of growth of five or
25 more plants that contain or can produce controlled substances.

26 (j) "DEA" means the U.S. department of justice, drug enforcement
27 administration.

28 (k) "Deliver" or "delivery" means the actual, constructive or
29 attempted transfer from one person to another of a controlled substance,
30 whether or not there is an agency relationship.

31 (l) "Dispense" means to deliver a controlled substance to an ultimate
32 user or research subject by or pursuant to the lawful order of a practitioner,
33 including the packaging, labeling or compounding necessary to prepare the
34 substance for that delivery, or pursuant to the prescription of a mid-level
35 practitioner.

36 (m) "Dispenser" means a practitioner or pharmacist who dispenses, or
37 a physician assistant who has authority to dispense prescription-only drugs
38 in accordance with K.S.A. 65-28a08(b), and amendments thereto.

39 (n) "Distribute" means to deliver other than by administering or
40 dispensing a controlled substance.

41 (o) "Distributor" means a person who distributes.

42 (p) "Drug" means: (1) Substances recognized as drugs in the official
43 United States pharmacopeia, official homeopathic pharmacopeia of the

1 United States or official national formulary or any supplement to any of
2 them; (2) substances intended for use in the diagnosis, cure, mitigation,
3 treatment or prevention of disease in human or animals; (3) substances
4 (other than food) intended to affect the structure or any function of the
5 body of human or animals; and (4) substances intended for use as a
6 component of any article specified in paragraph (1), (2) or (3). It does not
7 include devices or their components, parts or accessories.

8 (q) "Immediate precursor" means a substance that the board has
9 found to be and by rule and regulation designates as being the principal
10 compound commonly used or produced primarily for use and that is an
11 immediate chemical intermediary used or likely to be used in the
12 manufacture of a controlled substance, the control of which is necessary to
13 prevent, curtail or limit manufacture.

14 (r) "Electronic prescription" means an electronically prepared
15 prescription that is authorized and transmitted from the prescriber to the
16 pharmacy by means of electronic transmission.

17 (s) "Electronic prescription application" means software that is used
18 to create electronic prescriptions and that is intended to be installed on the
19 prescriber's computers and servers where access and records are controlled
20 by the prescriber.

21 (t) "Electronic signature" means a confidential personalized digital
22 key, code, number or other method for secure electronic data transmissions
23 that identifies a particular person as the source of the message,
24 authenticates the signatory of the message and indicates the person's
25 approval of the information contained in the transmission.

26 (u) "Electronic transmission" means the transmission of an electronic
27 prescription, formatted as an electronic data file, from a prescriber's
28 electronic prescription application to a pharmacy's computer, where the
29 data file is imported into the pharmacy prescription application.

30 (v) "Electronically prepared prescription" means a prescription that is
31 generated using an electronic prescription application.

32 (w) "Facsimile transmission" or "fax transmission" means the
33 transmission of a digital image of a prescription from the prescriber or the
34 prescriber's agent to the pharmacy. "Facsimile transmission" includes, but
35 is not limited to, transmission of a written prescription between the
36 prescriber's fax machine and the pharmacy's fax machine; transmission of
37 an electronically prepared prescription from the prescriber's electronic
38 prescription application to the pharmacy's fax machine, computer or
39 printer; or transmission of an electronically prepared prescription from the
40 prescriber's fax machine to the pharmacy's fax machine, computer or
41 printer.

42 (x) "Intermediary" means any technology system that receives and
43 transmits an electronic prescription between the prescriber and the

1 pharmacy.

2 (y) "Isomer" means all enantiomers and diastereomers.

3 (z) "Manufacture" means the production, preparation, propagation,
4 compounding, conversion or processing of a controlled substance either
5 directly or indirectly or by extraction from substances of natural origin or
6 independently by means of chemical synthesis or by a combination of
7 extraction and chemical synthesis and includes any packaging or
8 repackaging of the substance or labeling or relabeling of its container,
9 except that this term does not include the preparation or compounding of a
10 controlled substance by an individual for the individual's own lawful use
11 or the preparation, compounding, packaging or labeling of a controlled
12 substance:

13 (1) By a practitioner or the practitioner's agent pursuant to a lawful
14 order of a practitioner as an incident to the practitioner's administering or
15 dispensing of a controlled substance in the course of the practitioner's
16 professional practice; or

17 (2) by a practitioner or by the practitioner's authorized agent under
18 such practitioner's supervision for the purpose of or as an incident to
19 research, teaching or chemical analysis or by a pharmacist or medical care
20 facility as an incident to dispensing of a controlled substance.

21 (aa) "Marijuana" means all parts of all varieties of the plant Cannabis
22 whether growing or not, the seeds thereof, the resin extracted from any
23 part of the plant and every compound, manufacture, salt, derivative,
24 mixture or preparation of the plant, its seeds or resin. It does not include:
25 (1) The mature stalks of the plant, fiber produced from the stalks, oil or
26 cake made from the seeds of the plant, any other compound, manufacture,
27 salt, derivative, mixture or preparation of the mature stalks, except the
28 resin extracted therefrom, fiber, oil or cake or the sterilized seed of the
29 plant that is incapable of germination; (2) any substance listed in schedules
30 II through V of the uniform controlled substances act; (3) cannabidiol
31 (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-
32 5-pentyl-1,3-benzenediol); or (4) industrial hemp as defined in K.S.A.
33 2020 Supp. 2-3901, and amendments thereto, when cultivated, produced,
34 possessed or used for activities authorized by the commercial industrial
35 hemp act.

36 (bb) "Medical care facility" shall have the meaning ascribed to that
37 term in K.S.A. 65-425, and amendments thereto.

38 (cc) "Mid-level practitioner" means a certified nurse-midwife
39 engaging in the independent practice of midwifery under the independent
40 practice of midwifery act, an advanced practice registered nurse issued a
41 license pursuant to K.S.A. 65-1131, and amendments thereto, who has
42 authority to prescribe drugs pursuant to ~~a written protocol with a~~
43 ~~responsible physician under~~ K.S.A. 65-1130, and amendments thereto, or a

1 physician assistant licensed under the physician assistant licensure act who
2 has authority to prescribe drugs pursuant to a written agreement with a
3 supervising physician under K.S.A. 65-28a08, and amendments thereto.

4 (dd) "Narcotic drug" means any of the following whether produced
5 directly or indirectly by extraction from substances of vegetable origin or
6 independently by means of chemical synthesis or by a combination of
7 extraction and chemical synthesis:

8 (1) Opium and opiate and any salt, compound, derivative or
9 preparation of opium or opiate;

10 (2) any salt, compound, isomer, derivative or preparation thereof that
11 is chemically equivalent or identical with any of the substances referred to
12 in paragraph (1) but not including the isoquinoline alkaloids of opium;

13 (3) opium poppy and poppy straw; *or*

14 (4) coca leaves and any salt, compound, derivative or preparation of
15 coca leaves, and any salt, compound, isomer, derivative or preparation
16 thereof that is chemically equivalent or identical with any of these
17 substances, but not including decocainized coca leaves or extractions of
18 coca leaves that do not contain cocaine or ecgonine.

19 (ee) "Opiate" means any substance having an addiction-forming or
20 addiction-sustaining liability similar to morphine or being capable of
21 conversion into a drug having addiction-forming or addiction-sustaining
22 liability. It does not include, unless specifically designated as controlled
23 under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer
24 of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does
25 include its racemic and levorotatory forms.

26 (ff) "Opium poppy" means the plant of the species *Papaver*
27 *somniferum* L. except its seeds.

28 (gg) "Person" means an individual, corporation, government, or
29 governmental subdivision or agency, business trust, estate, trust,
30 partnership or association or any other legal entity.

31 (hh) "Pharmacist" means any natural person licensed under K.S.A.
32 65-1625 et seq., and amendments thereto, to practice pharmacy.

33 (ii) "Pharmacist intern" means: (1) A student currently enrolled in an
34 accredited pharmacy program; (2) a graduate of an accredited pharmacy
35 program serving such person's internship; or (3) a graduate of a pharmacy
36 program located outside of the United States that is not accredited and who
37 had successfully passed equivalency examinations approved by the board.

38 (jj) "Pharmacy prescription application" means software that is used
39 to process prescription information, is installed on a pharmacy's computers
40 and servers, and is controlled by the pharmacy.

41 (kk) "Poppy straw" means all parts, except the seeds, of the opium
42 poppy, after mowing.

43 (ll) "Practitioner" means a person licensed to practice medicine and

1 surgery, dentist, podiatrist, veterinarian, optometrist, or scientific
2 investigator or other person authorized by law to use a controlled
3 substance in teaching or chemical analysis or to conduct research with
4 respect to a controlled substance.

5 (mm) "Prescriber" means a practitioner or a mid-level practitioner.

6 (nn) "Production" includes the manufacture, planting, cultivation,
7 growing or harvesting of a controlled substance.

8 (oo) "Readily retrievable" means that records kept by automatic data
9 processing applications or other electronic or mechanized recordkeeping
10 systems can be separated out from all other records within a reasonable
11 time not to exceed 48 hours of a request from the board or other authorized
12 agent or that hard-copy records are kept on which certain items are
13 asterisked, redlined or in some other manner visually identifiable apart
14 from other items appearing on the records.

15 (pp) "Ultimate user" means a person who lawfully possesses a
16 controlled substance for such person's own use or for the use of a member
17 of such person's household or for administering to an animal owned by
18 such person or by a member of such person's household.

19 Sec. 5. K.S.A. 65-1130 and K.S.A. 2020 Supp. 40-3401, 65-1113 and
20 65-4101 are hereby repealed.

21 Sec. 6. This act shall take effect and be in force from and after its
22 publication in the statute book.