

HOUSE BILL No. 2528

By Committee on Health and Human Services Requested by Representative Pickert

1-23

1 AN ACT concerning health professions and practices; relating to the
2 Kansas state board of nursing powers, duties and responsibilities;
3 requiring that all board actions related to nonpractice violations be
4 void; allowing for late license renewal for professional, practical and
5 advanced practice registered nurses; setting fees for late license
6 renewal; limiting unprofessional conduct to acts related to the practice
7 of nursing; prohibiting the board from taking retaliatory action against
8 a licensee based on lawful acts made against the board and creating a
9 cause of action for violation of such prohibition; requiring that board
10 members be subject to senate confirmation; requiring the board to issue
11 refunds for overpayment or duplicate payments; amending K.S.A. 65-
12 1119, 65-1120a, 65-1131, 65-1132, 74-1108 and 74-1110 and K.S.A.
13 2025 Supp. 65-1117, 65-1118, 65-1120, 65-1127 and 74-1106 and
14 repealing the existing sections. 15

16 *Be it enacted by the Legislature of the State of Kansas:*

17 New Section 1. (a) (1) Any board action occurring or record created
18 on or after January 1, 2005, but prior to July 1, 2026, that arises from
19 disciplinary action related to the following statutes and regulations shall be
20 void:

21 (A) K.S.A. 65-1117(a) or (b), 65-1118 or 65-1119, K.S.A. 65-1120(a)
22 (1) only if such action or record arises from or is related to applications for
23 licensure or license renewal, K.S.A. 65-1120(a)(7) or (a)(8), 65-1122(f),
24 65-1132, 65-1154, 65-1155, 65-1159, 65-4205(a) or (b), 65-4208, 65-
25 4209(a)(8) or 74-1110, as in effect prior to July 1, 2026; or

26 (B) K.A.R. 60-3-103, 60-3-108, 60-3-110(w), 60-4-101, 60-8-101,
27 60-9-106, 60-11-113(a) or (b), 60-12-104, 60-12-106, 60-13-101, 60-13-
28 111, 60-13-112 or 60-13-113, as in effect prior to July 1, 2026.

29 (2) If an alleged violation or disciplinary action occurs on or before
30 June 30, 2026, any board action arising from disciplinary action related to
31 the statutes or rules and regulations cited in paragraph (1) shall be deemed
32 void.

33 (3) The provisions of this subsection shall not invalidate disciplinary
34 action or void any board action or record related to an allegation or
35 violation of any other statute or rule and regulation solely because such

CLEARs THE RECORD BACK TO
2005 FOR THINGS NURSES NEVER
SHOULD HAVE BEEN DISCIPLINED FOR

THESE ARE ALL NON-PRACTICE
MATTERS IN WHICH KSBN HAS
DISCIPLINED NURSES

PREVENTS VOIDING PRACTICE
VIOLATIONS

1 disciplinary action also makes reference to a statute or rule and regulation
2 cited in paragraph (1).

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

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

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

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

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

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

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

39 (2) Any record, document or matter voided by this section that has
40 been transmitted to or from the board to any person or entity is deemed to
41 have been submitted in error, and any reference thereto is expunged and
42 deemed never to have occurred.

43 **Sec. 2.** K.S.A. 2025 Supp. 65-1117 is hereby amended to read as

REMOVES DISCIPLINE REPORTS FROM
NPDB AND OTHER DATA BANKS

IF KSBN FAILS TO REMOVE REPORTS
FOR NON-PRACTICE VIOLATIONS
NURSES CAN FILE SUIT TO ENFORCE
INCLUDING DAMAGES AND FEES

REQUIRES KSBN TO SUBMIT
VOID REPORT TO REMOVE
PREVIOUSLY REPORTED
MATERIAL FROM NPDB

The purpose of **SECTION 1** is to remediate the damage done by KSBN to thousands of licensees, and to prevent any future damage. Over the past 20 years KSBN has over-disciplined licensees who make ministerial mistakes in the process of navigating the agency’s outdated licensing software. The over-discipline includes a broad range of punishments, but the common element is the agency’s practice of reporting these violations to the databanks of other states and national organizations, resulting in a professional “Scarlet Letter” being placed on the licensee, preventing access to jobs, multi-state licenses, and other opportunities. SECTION 1 is specifically designed to bring back into practice thousands of licensees sidelined by KSBN discipline for administrative or ministerial acts. This provision is targeted solely to licensing, reporting, and payment matters, and does not include any statute or regulation regarding the practices regulated by the agency.

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

SETS A RENEWAL DATE
 90 DAYS BEFORE LICENSE
 EXPIRATION

PROVIDES GRACE PERIOD WHERE
 LICENSE IS STILL ACTIVE

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

PROVIDES AMPLE NOTICE OF
 RENEWAL DATE

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

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

39 (5) (A) *Upon receipt of such application, payment of fee, ~~upon~~ receipt*
 40 *of the evidence of satisfactory completion of the required program of*
 41 *continuing nursing education and ~~upon~~ being satisfied that the applicant*
 42 *meets the requirements set forth in K.S.A. 65-1115 or 65-1116, and*
 43 *amendments thereto, in effect at the time of initial licensure of the*

The purpose of SECTION 2 is to provide ample notice of license renewal dates and allow a grace period of 90 days in the event a nurse misses their renewal date. During the grace period the nurse’s license is still valid. Late renewal carries a late-renewal fee of \$300, but is not subject to discipline. SECTION 2 also makes it clear that licensing issues are not subject to discipline – if there is an issue with CNE or other questions about qualifications, KSBN’s only remedy is to hold off on issuing the license until verifying the nurse qualifies for licensure or renewal. SECTION 2 is necessary because, by all appearances, the agency is technologically deficient, not capable or interested in providing multiple notifications of renewal deadlines to licensees, and eager to cash in by converting licensing hiccups into discipline cases.

1 applicant, the board shall verify the accuracy of the application and grant a
2 renewal license *within one day after the applicant submits the*
3 *requirements of this paragraph.*

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

PROVIDES RECEIPT FOR PAYMENT
AND NOTICE OF RENEWAL

9 (b) (1) (A) ~~Any~~*If a person who fails to ~~secure~~ complete a renewal*
10 *license within the time specified ~~herein~~ in this section, the board shall give*
11 *such person notice of the failure to complete a renewal license which shall*
12 *include information that:*

13 (i) *The license may be canceled if not renewed within 90 days*
14 *following the renewal date;*

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

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

26 (B) ~~A ~~reinstatement~~ late renewal application for licensure will~~ *shall*
27 *be held awaiting completion of such documentation as may be required,*
28 *but such application shall not be held for a period of time in excess of that*
29 *specified in rules and regulations.*

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

35 (3) *If the board determines that an applicant or licensee is not*
36 *qualified for licensure or a renewal application or payment has not been*
37 *received, the board's sole recourse is to withhold licensure or renewal*
38 *until such time that the licensee or applicant is qualified and payment is*
39 *received. If the board makes a determination that an applicant or licensee*
40 *is not qualified for licensure, the board shall promptly inform the*
41 *applicant or licensee.*

NO DISCIPLINE FOR LICENSING
ISSUES

42 (c) (1) Each licensee shall notify the board in writing of ~~(A) a change~~
43 ~~in name or address within 30 days of the change or (B) a conviction of any~~

1 felony or misdemeanor; that is specified in rules and regulations adopted
2 by the board; within 30 days from the date *that* the conviction becomes
3 final.

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

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

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

21 Application for single-state license—professional nurse	\$150
22 Application for single-state license—practical nurse	100
23 Application for single-state biennial renewal of license—professional	
24 nurse and practical nurse	120
25 Application for single-state reinstatement of license	150
26 Application for single-state reinstatement of licenses with temporary	
27 permit	175
28 <i>Application for late renewal of single state license</i>	300
29 Application for multi-state license—professional nurse	300
30 Application for multi-state license—practical nurse	300
31 Application for multi-state biennial renewal of license—	
32 professional nurse and practical nurse	200
33 Application for multi-state reinstatement of license	300
34 Application for multi-state reinstatement of licenses	
35 with temporary permit	300
36 <i>Application for late renewal of multi-state license</i>	300
37 Application for reinstatement of revoked license	1,000
38 Certified copy of license	25
39 Duplicate of license	25
40 Inactive license	20
41 Application for license—advanced practice registered	
42 nurse	50
43 Application for license with temporary permit—advanced	

ADDS \$300 FEE FOR LATE
RENEWAL DURING 90-DAY
GRACE PERIOD

SECTION 3 adds a non-discipline \$300 late fee for renewals after the renewal deadline.

1	practice registered nurse	100
2	Application for renewal of license—advanced practice	
3	registered nurse	60
4	Application for reinstatement of license—advanced practice	
5	registered nurse	75
6	<i>Application for late renewal of license—advanced practice</i>	
7	<i>registered nurse.....</i>	<i>300</i>
8	Application for authorization—registered nurse	
9	anesthetist	75
10	Application for authorization with temporary authorization—	
11	registered nurse anesthetist	110
12	Application for biennial renewal of authorization—registered	
13	nurse anesthetist.....	60
14	Application for reinstatement of authorization—registered	
15	nurse anesthetist	75
16	Application for reinstatement of authorization with temporary	
17	authorization—registered nurse anesthetist	100
18	Verification of license to another state	30
19	Application for exempt license—professional and practical	
20	nurse	50
21	Application for biennial renewal of exempt license—	
22	professional and practical nurse	50
23	Application for exempt license—advanced practice registered	
24	nurse	50
25	Application for biennial renewal of exempt license—advanced	
26	practice registered nurse	50

27
28 (b) The board may require that fees paid for any examination under
29 the Kansas nurse practice act be paid directly to the examination service
30 by the person taking the examination.

31 (c) The board shall accept for payment of fees under this section
32 personal checks, certified checks, cashier's checks, money orders or credit
33 cards. The board may designate other methods of payment, but shall not
34 refuse payment in the form of a personal check. The board may ~~impose~~
35 ~~additional fees and~~ recover any costs incurred by reason of payments made
36 by personal checks with insufficient funds and payments made by credit
37 cards.

38 **Sec. 4.** K.S.A. 65-1119 is hereby amended to read as follows: 65-
39 1119. (a) *Application for approval.* An approved school of nursing is one
40 ~~which~~ *that* has been approved as such by the board as meeting the
41 standards of this act; and the rules and regulations of the board. An
42 institution desiring to conduct an approved school of professional or
43 practical nursing shall apply to the board for approval and submit

1 satisfactory proof that it is prepared to and will maintain the standards and
 2 basic professional nursing curriculum or the required curriculum for
 3 practical nursing, as the case may be, as prescribed by this act and by the
 4 rules and regulations of the board. Applications shall be made in writing
 5 on forms supplied by the board and shall be submitted to the board
 6 together with the application fee fixed by the board. The approval of a
 7 school of nursing shall not exceed 10 years after the granting of such
 8 approval by the board. An institution desiring to continue to conduct an
 9 approved school of professional or practical nursing shall apply to the
 10 board for the renewal of approval and submit satisfactory proof that it will
 11 maintain the standards and basic professional nursing curriculum or the
 12 required curriculum for practical nursing, as the case may be, as prescribed
 13 by this act and by the rules and regulations of the board. Applications for
 14 renewal of approval shall be made in writing on forms supplied by the
 15 board. Each school of nursing shall submit annually to the board an annual
 16 fee fixed by the board by rules and regulations to maintain the approval
 17 status.

18 (b) *Schools for professional nurses.* To qualify as an approved school
 19 for professional nurses, the school ~~must~~ shall be conducted in the state of
 20 Kansas, ~~and shall~~ apply to the board and submit evidence that: (1) It is
 21 prepared to carry out the professional curriculum as prescribed in the rules
 22 and regulations of the board; and (2) it is prepared to meet such other
 23 standards as shall be established by this law and the rules and regulations
 24 of the board.

25 (c) *Schools for practical nurses.* To qualify as an approved school for
 26 practical nurses, the school ~~must~~ shall be conducted in the state of Kansas,
 27 ~~and shall~~ apply to the board and submit evidence that: (1) It is prepared to
 28 carry out the curriculum as prescribed in the rules and regulations of the
 29 board; and (2) it is prepared to meet such other standards as shall be
 30 established by this law and the rules and regulations of the board.

31 (d) *Transcript requests.* All approved schools for professional and
 32 practical nurses shall, upon the request of a current or former student,
 33 fulfill transcript requests for licensure or testing by electronically
 34 releasing the transcript within five business days of receipt of such
 35 request.

36 (e) *Survey.* The board shall prepare and maintain a list of approved
 37 schools for both professional and practical nurses whose graduates, if they
 38 have the other necessary qualifications provided in this act, shall be
 39 eligible to apply for a license as a registered professional nurse or as a
 40 licensed practical nurse. A survey of the institution or institutions and of
 41 the schools applying for approval shall be made by an authorized
 42 employee of the board or members of the board, who shall submit a
 43 written report of the survey to the board. If, in the opinion of the board, the

PREVENTS SCHOOLS FROM
 WITHOLDING TRANSCRIPTS
 TO DELAY NCLEX TESTING

1 requirements as prescribed by the board in its rules and regulations for an
2 approved school for professional nurses or for practical nurses are met, it
3 shall so approve the school as either a school for professional nurses or
4 practical nurses, as the case may be. The board shall resurvey approved
5 schools on a periodic basis as determined by rules and regulations. If the
6 board determines that any approved school of nursing is not maintaining
7 the standards required by this act and by rules and regulations prescribed
8 by the board, notice thereof in writing, specifying the failures of such
9 school, shall be given immediately to the school. A school ~~which~~ *that* fails
10 to correct such conditions to the satisfaction of the board within a
11 reasonable time shall be removed from the list of approved schools of
12 nursing until such time ~~as~~ *that* the school shall comply with the standards.
13 All approved schools shall maintain accurate and current records showing
14 in full the theoretical and practical courses given to each student.

15 ~~(e)~~(f) *Providers of continuing nursing education.* (1) To qualify as an
16 approved provider of continuing nursing education offerings, persons,
17 organizations or institutions proposing to provide such continuing nursing
18 education offerings shall apply to the board for approval and submit
19 evidence that the applicant is prepared to meet the standards and
20 requirements established by the rules and regulations of the board for such
21 continuing nursing education offerings. Initial applications shall be made
22 in writing on forms supplied by the board and shall be submitted to the
23 board together with the application fee fixed by the board.

24 (2) ~~A~~—"Long-term provider" means a person, organization or
25 institution that is responsible for the development, administration and
26 evaluation of continuing nursing education programs and offerings.
27 Qualification as a long-term approved provider of continuing nursing
28 education offerings shall expire five years after the granting of such
29 approval by the board. An approved long-term provider of continuing
30 nursing education offerings shall submit annually to the board the annual
31 fee established by rules and regulations, along with an annual report for
32 the previous fiscal year. Applications for renewal as an approved long-term
33 provider of continuing nursing education offerings shall be made in
34 writing on forms supplied by the board.

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

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

SECTION 4 is necessary because licensees have experienced schools of nursing refusing to provide student transcripts to the Kansas State Board of Nursing in a timely manner. Licensees have been told schools do this in an effort to manipulate licensure exam pass rates between reporting periods by delaying recent graduates from taking the exam until the next reporting period. It is universally accepted that recent graduates should take the NCLEX exam as soon as possible after graduation for the simple reason that the information remains fresh.

1 (5) The board shall accept offerings as approved continuing nursing
2 education presented by: Colleges that are approved by a state or the
3 national department of education and providers approved by other state
4 boards of nursing, the national league for nursing, the national federation
5 of licensed practical nurses, the American nurses credentialing center or
6 other such national organizations as listed in rules and regulations adopted
7 by the board.

8 (6) An individual designated by a provider of continuing nursing
9 education offerings as an individual responsible for CNE who has held this
10 position for the provider at least five years immediately prior to January 1,
11 1997, shall not be required to have a baccalaureate or higher academic
12 degree in order to be designated by such provider as the individual
13 responsible for CNE.

14 ~~(f)~~(g) *Criteria for evaluating out-of-state schools.* For the purpose of
15 determining whether an applicant for licensure who is a graduate of a
16 school of professional or practical nursing located outside this state meets
17 the requirements of ~~item (2) of subsection (a) of~~ K.S.A. 65-1115(a)(2), and
18 amendments thereto or the requirements of ~~item (2) of subsection (a) of~~
19 K.S.A. 65-1116(a)(2), and amendments thereto, as appropriate, the board
20 by rules and regulations shall establish criteria for determining whether a
21 particular school of professional nursing located outside this state
22 maintains standards which are at least equal to schools of professional
23 nursing ~~which that~~ are approved by the board and whether a particular
24 school of practical nursing located outside this state maintains standards
25 ~~which that~~ are at least equal to schools of practical nursing ~~which that~~ are
26 approved by the board. The board may send a questionnaire developed by
27 the board to any school of professional or practical nursing located outside
28 this state for which the board does not have sufficient information to
29 determine whether the school meets the standards established under this
30 subsection ~~(f)~~. The questionnaire providing the necessary information shall
31 be completed and returned to the board in order for the school to be
32 considered for approval. The board may contract with investigative
33 agencies, commissions or consultants to assist the board in obtaining
34 information about schools. In entering such contracts the authority to
35 approve schools shall remain solely with the board.

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

38 (1) Schools of nursing ~~which that~~ have received accreditation from a
39 board recognized national nursing accreditation agency shall file evidence
40 of initial accreditation with the board and shall file all reports from the
41 accrediting agency and any notice of any change in school accreditation
42 status. The board may grant approval based upon evidence of such
43 accreditation.

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

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

6 **Sec. 5.** K.S.A. 2025 Supp. 65-1120 is hereby amended to read as
 7 follows: 65-1120. (a) *Grounds for disciplinary actions.* The board may
 8 deny, revoke, limit or suspend any license or authorization to practice
 9 nursing as a registered professional nurse, as a licensed practical nurse; *or*
 10 as an advanced practice registered nurse or as a registered nurse anesthetist
 11 that is issued by the board or applied for under this act; or may require the
 12 licensee to attend a specific number of hours of continuing education in
 13 addition to any hours *that* the licensee may already be required to attend or
 14 may publicly or privately censure a licensee or holder of a temporary
 15 permit or authorization, if the applicant, licensee or holder of a temporary
 16 permit or authorization is found after hearing:

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

REMOVES CRIMINAL
 TERMINOLOGY

20 (2) to have been guilty of a felony or to have been guilty of a
 21 misdemeanor involving an illegal drug offense unless the applicant or
 22 licensee establishes sufficient rehabilitation to warrant the public trust,
 23 except that notwithstanding K.S.A. 74-120, and amendments thereto, no
 24 license or authorization to practice nursing as a licensed professional
 25 nurse, as a licensed practical nurse; *or* as an advanced practice registered
 26 nurse or registered nurse anesthetist shall be granted to a person with a
 27 felony conviction for a crime against persons as specified in article 34 of
 28 chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article
 29 54 of chapter 21 of the Kansas Statutes Annotated, *and amendments*
 30 *thereto*, or K.S.A. 21-6104, 21-6325, 21-6326 or 21-6418, and
 31 amendments thereto;

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

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

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

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

42 (7) ~~to be guilty of~~ *have committed an act of* unprofessional conduct.
 43 "*Unprofessional conduct*" includes, but is not limited to, an act or failure

SECTION 5 includes amendments to Section (a)(1), (a)(7), and (b) for the purpose of replacing criminal terminology and presumptions of “guilt” with language consistent with administrative discipline processes.

Amendments to (a)(7) clarify that “unprofessional conduct” is limited to practice violations. KSBN’s current interpretation of “unprofessional conduct” is over-broad, and lumps serious practice violations and benign non-practice violations into the same category. As a result, nurses with minor, non-practice violations are reported to the NPDB under a very serious reporting category.

1 to act related to the licensee's practice of nursing that is performed
2 intentionally or carelessly and causes or is likely to cause harm to a
3 patient. "Unprofessional conduct" does not include behaviors that are
4 unrelated to the licensee's practice of nursing or ability to ethically and
5 competently practice nursing, such as failure to timely renew a license or
6 late payments for civil debts. "Unprofessional conduct" may be further-as
7 defined by rules and regulations of the board that are not inconsistent with
8 this paragraph;

LIMITS "UNPROFESSIONAL
CONDUCT" TO PRACTICE
VIOLATIONS

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

12 (9) to have a license to practice nursing as a registered nurse or as a
13 practical nurse denied, revoked, limited or suspended, or to be publicly or
14 privately censured, by a licensing authority of another state, agency of the
15 United States government, territory of the United States or country or to
16 have other disciplinary action taken against the applicant or licensee by a
17 licensing authority of another state, agency of the United States
18 government, territory of the United States or country. A certified copy of
19 the record or order of public or private censure, denial, suspension,
20 limitation, revocation or other disciplinary action of the licensing authority
21 of another state, agency of the United States government, territory of the
22 United States or country shall constitute prima facie evidence of such a
23 fact for purposes of this paragraph-(9); or

24 (10) to have assisted suicide in violation of K.S.A. 21-3406, prior to
25 its repeal, or K.S.A. 21-5407, and amendments thereto, as established by
26 any of the following:

27 (A) A copy of the record of criminal conviction or plea of guilty for a
28 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 21-
29 5407, and amendments thereto.

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

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

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

37 (c) *Proceedings.* Upon filing of a sworn complaint with the board
38 charging a person with ~~having been guilty of violating~~ any of the ~~unlawful~~
39 practices specified in subsection (a), two or more members of the board,
40 *one of whom shall be a nurse with similar clinical or professional*
41 *experience to the person charged with the violation,* shall investigate the
42 charges; or the board may designate and authorize an employee or
43 employees of the board, *one of whom shall be a nurse with similar clinical*

INVESTIGATOR MUST HAVE
SIMILAR CREDENTIALS -
APRN INVESTIGATE APRNs, etc.

SECTION 5 also requires that investigations for practice violations be conducted by investigators with similar clinical or professional experience as the nurse being investigated. This is necessary because KSBN has allowed Uncredentialed or lower-credentialed investigators to investigate nurses with more advanced credentialing. For example, if practice violations are alleged against an APRN, the investigation should be conducted by an APRN.

1 *or professional experience to the person charged with the violation, to*
 2 *conduct an investigation. After investigation, the board may—~~institute~~*
 3 *~~charges~~ file a disciplinary action. If an investigation, in the opinion of the*
 4 *board, reveals reasonable grounds for believing that the applicant or*
 5 *licensee—~~is guilty of the charges~~ has violated the nurse practice act, the*
 6 *board shall fix a time and place for proceedings, which shall be conducted*
 7 *in accordance with the provisions of the Kansas administrative procedure*
 8 *act. Any investigation of a licensee or applicant shall be considered closed*
 9 *after one calendar year from the date that the board is first made aware of*
 10 *any licensee's or applicant's alleged violation of the nurse practice act or*
 11 *rules and regulations adopted pursuant to that act, unless a petition has*
 12 *been filed against the licensee or applicant or the licensee has entered into*
 13 *a consent agreement or diversion program. A closed investigation shall*
 14 *not be reopened. Records from a closed investigation may be used by the*
 15 *board in a new investigation if the allegation of the same nature is made*
 16 *against such licensee or applicant.*

PUTS 1-YEAR LIMIT ON
 INVESTIGATIONS

PREVENTS RE-OPENING
 CLOSED INVESTIGATIONS

17 ~~(d)~~ *Witnesses.* No person shall be excused from testifying in any
 18 proceedings before the board under this act or in any civil proceedings
 19 under this act before a court of competent jurisdiction on the ground that
 20 such testimony may incriminate the person testifying, but such testimony
 21 shall not be used against the person for the prosecution of any crime under
 22 the laws of this state except the crime of perjury as defined in K.S.A. 21-
 23 5903, and amendments thereto.

24 ~~(d)~~ *(e) Costs.* If final agency action of the board in a proceeding under
 25 this section is adverse to the applicant or licensee, the costs of the board's
 26 proceedings shall be charged to the applicant or licensee as in ordinary
 27 civil actions in the district court, but if the board is the unsuccessful party,
 28 the costs *and 50% of reasonable attorney fees* shall be paid by the board.
 29 Witness fees and costs may be taxed by the board according to the statutes
 30 relating to procedure in the district court. All costs accrued by the board,
 31 when it is the successful party, and ~~which~~ *that* the attorney general certifies
 32 cannot be collected from the applicant or licensee shall be paid from the
 33 board of nursing fee fund. *The board shall not collect any fees for costs*
 34 *accrued by use of an administrative law judge unless all board members*
 35 *were unable to conduct a hearing due to a conflict of interest.* All moneys
 36 collected following board proceedings shall be credited in full to the board
 37 of nursing fee fund.

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

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

43 (2) repeated instances involving failure to adhere to the applicable

SECTION 5 places a time limitation on open, unresolved investigations against licensees. This is necessary in that the board, employers, and other licensing entities routinely ask licensees if there are any pending investigations against the licensee. For example, the board’s renewal application asks, “Do you have any pending investigations or disciplinary cases against you or your license, certification, or registration by a professional licensing authority?” This is often a disqualifying question. There are several instances whereby the board has opened investigations against licensees that have not been resolved through the filing of a discipline case, referral to a diversion program, consent agreement or in any formal manner indicating to the licensee that the investigation has been concluded. Many of these cases remain infinitely inactive and unresolved. However, licensees are told that the case remains under investigation or that the case has been referred to the Attorney General. As a result, licensees are compelled to answer “yes” when asked if there are any pending investigations against them, sometimes years after investigations have ceased.

1 standard of care to a degree which constitutes ordinary negligence, as
2 determined by the board; or

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

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

11 **Sec. 6.** K.S.A. 65-1120a is hereby amended to read as follows: 65-
12 1120a. (a) A person whose license has been revoked may apply for
13 reinstatement of the license after the expiration of three years from the
14 effective date of the revocation. Application for reinstatement shall be on a
15 form approved by the board and shall be accompanied by a reinstatement
16 fee established by the board under K.S.A. 65-1118, and amendments
17 thereto. The burden of proof by clear and convincing evidence shall be on
18 the applicant to show sufficient rehabilitation to justify reinstatement of
19 the license. If the board determines a license should not be reinstated, the
20 person shall not be eligible to reapply for reinstatement for three years
21 from the effective date of the denial. All proceedings conducted on an
22 application for reinstatement shall be in accordance with the provisions of
23 the Kansas administrative procedure act and shall be reviewable in
24 accordance with the Kansas judicial review act. The board, on its own
25 motion, may stay the effectiveness of an order of revocation of license.

26 (b) On or before January 8, 2018, and on or before the first day of the
27 regular session of the Kansas legislature each year thereafter, the board of
28 nursing shall submit a written report to the *Kansas legislative research*
29 *department and send a digital version or ensure that a digital version of*
30 *such report is sent to each member of the senate standing committee on*
31 *public health and welfare and the house of representatives standing*
32 *committee on health and human services, or their successor committees,*
33 *that includes on an anonymous but individual and itemized basis: The*
34 *number of individuals who applied for reinstatement of a revoked license*
35 *during the immediately preceding calendar year; the amount of moneys*
36 *charged to each such applicant; the number of such reinstatement*
37 *applications that were granted and denied; and the basis given to deny any*
38 *such reinstatement application.*

39 (c) This section shall be *a part of and supplemental to the Kansas*
40 *nurse practice act.*

41 **Sec. 7.** K.S.A. 2025 Supp. 65-1127 is hereby amended to read as
42 follows: 65-1127. (a) A licensee shall report to the board of nursing any
43 information the licensee may have relating to alleged incidents of

SECTION 6 requires digital versions of KSBN reinstatement reports be sent to the legislature. This is necessary in that previous reports were apparently sent via hard copy only and never made it to the intended recipients. The legislative research department was also added as a recipient of this report.

1 malpractice or the qualifications, fitness or character of a person licensed
 2 to practice professional nursing or licensed to practice practical nursing,
 3 including persons holding a multi-state license under the nurse licensure
 4 compact. No person reporting to the board of nursing, under oath and in
 5 good faith *under the totality of the circumstances*, any information that
 6 such person may have relating to alleged incidents of malpractice or the
 7 qualifications, fitness or character of a person licensed to practice
 8 professional nursing or licensed to practice practical nursing shall be
 9 subject to a civil action for damages as a result of reporting such
 10 information.

DISCOURAGES COMPLAINTS
 THAT SELECTIVELY OMIT
 RELEVANT INFORMATION

11 (b) Any state, regional or local association of registered professional
 12 nurses or licensed practical nurses and the individual members of any
 13 committee thereof ~~that, which~~ in good faith *under the totality of the*
 14 *circumstances*, investigates or communicates information pertaining to the
 15 alleged incidents of malpractice or the qualifications, fitness or character
 16 of any licensee or registrant to the board of nursing or to any committee or
 17 agent thereof; shall be immune from liability in any civil action; that is
 18 based upon such information or transmittal of information if the
 19 investigation and communication was made in good faith *under the*
 20 *totality of the circumstances* and did not represent as true any matter not
 21 reasonably believed to be true *or omit any known material fact*.

22 (c) *The board of nursing shall not take or fail to take, or threaten to*
 23 *take or fail to take, any action against a licensee or applicant, harass or in*
 24 *any other manner retaliate against such licensee or applicant because of*
 25 *lawful acts undertaken in good faith by such licensee or applicant,*
 26 *including:*

ANTI-RETRIBUTION PROVISION
 KSBN IS PROHIBITED FROM
 ACTING AGAINST NURSES
 WHO CRITICIZE KSBN OR
 REPORT KSBN OR TESTIFY
 AGAINST KSBN OR APPEAL
 DISCIPLINARY ACTION

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

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

RIGHT TO FILE SUIT IF KSBN
 VIOLATES THIS PROVISION

34 (3) *exercising any appeal, complaint or grievance right granted by*
 35 *state or federal law or rule and regulation or providing assistance to an*
 36 *individual exercising such rights; or*

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

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

SECTION 7 - The amendments to K.S.A. 65-1127(a) and (b) serve to protect licensees from being targeted for investigation and discipline based on selective information. Licensees believe that immunity should not be granted for anyone knowingly omitting critical facts or misrepresenting the totality of the circumstances when reporting allegations against licensees. Licensees believe this is especially important when personal or employment conflicts lead to board complaints, or in circumstances where licensees are reported for online activity.

The addition of K.S.A. 65-1127(c) and (d) is designed to protect licensees from retaliation from the agency for speaking out against the policies, practices and behavior of the agency. The agency is perceived by licensees as vindictive and quick to punish, and many licensees have voiced their concerns at public hearings before the legislature. Numerous licensees have remained silent out of fear of retaliation by the agency. Proposed K.S.A. 65-1127(c) specifies what agency practices are prohibited. This section is largely based on federal law 5 U.S.C. 2302 (“No Fear Act”), with modifications specific to this agency. Proposed K.S.A. 65-1127(d) provides civil remedies for licensees in circumstances where the agency engages in prohibited practices.

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

6 **Sec. 8.** K.S.A. 65-1131 is hereby amended to read as follows: 65-
 7 1131. (a) (1) *Licensure.* Upon application to the board by any professional
 8 nurse in this state and upon satisfaction of the standards and requirements
 9 established by the board under K.S.A. 65-1130, and amendments thereto,
 10 the board may issue a license to such applicant authorizing the applicant to
 11 perform the duties of an advanced practice registered nurse as defined by
 12 the board under K.S.A. 65-1130, and amendments thereto.

GRACE PERIOD AND LATE
 RENEWAL ALSO APPLIES
 TO APRN

13 (2) The board may issue a license to practice nursing as an advanced
 14 practice registered nurse to an applicant who has been duly licensed or
 15 certified as an advanced practice registered nurse under the laws of another
 16 state or territory if, in the opinion of the board, the applicant meets the
 17 licensure qualifications required of an advanced practice registered nurse
 18 in this state. Verification of the applicant's licensure or certification status
 19 shall be required from the original state of licensure or certification.

20 (3) (A) An application to the board for a license, a license with
 21 temporary permit, renewal of a license, *late renewal of a license* and
 22 reinstatement of a license shall be upon such ~~form~~ *forms* and contain such
 23 information as the board may require and ~~shall be~~ accompanied by a fee,
 24 to be established by rules and regulations adopted by the board, to assist in
 25 defraying the expenses in connection with the issuance of licenses as
 26 advanced practice registered nurses, in an amount fixed by the board under
 27 K.S.A. 65-1118, and amendments thereto. *A renewal application shall*
 28 *require a licensee to provide such licensee's current contact information,*
 29 *including name, address, phone number and email address. A licensee*
 30 *shall notify the board of a change in name or contact information.*

31 (B) *Once the requirements of this paragraph have been met, a digital*
 32 *notification of submission that contains a receipt for payment of any fees*
 33 *shall promptly be sent to the applicant. If the board has received all of the*
 34 *requirements for renewal licensure under this subsection, the board shall*
 35 *verify accuracy of the application and grant a renewal license within one*
 36 *day after the applicant has submitted all requirements. If the board grants*
 37 *a renewal license or a late renewal license, a digital notification of such*
 38 *renewal shall be sent to the applicant.*

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

42 (5) The executive administrator of the board shall remit all moneys
 43 received pursuant to this section to the state treasurer as provided by

The purpose of **SECTION 8** is the same as portions of SECTION 2, but applies to APRNs. It is to provide a grace period of 90 days in the event a nurse misses their renewal date. During the grace period the nurse's license is still valid. Late renewal carries a late-renewal fee of \$300, but is not subject to discipline.

1 K.S.A. 74-1108, and amendments thereto.

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

5 (c) *Exempt license.* The board may issue an exempt license to any
6 advanced practice registered nurse as defined in rules and regulations who
7 makes written application for such license on a form provided by the
8 board, who remits a fee as established pursuant to K.S.A. 65-1118, and
9 amendments thereto, and who is not regularly engaged in advanced
10 practice registered nursing in Kansas but volunteers advanced practice
11 registered nursing services or is a charitable healthcare provider as defined
12 by K.S.A. 75-6102, and amendments thereto. Each exempt advanced
13 practice registered nurse shall be subject to all provisions of the nurse
14 practice act. Each exempt license may be renewed biennially subject to the
15 provisions of this section. To convert an exempt license to an active
16 license, the exempt advanced practice registered nurse shall meet all the
17 requirements of subsection (a) or K.S.A. 65-1132, and amendments
18 thereto. An advanced practice registered nurse who has been granted an
19 exempt license pursuant to this subsection shall be exempt from the
20 requirements of K.S.A. 40-3402 and 40-3404, and amendments thereto.

21 (d) *Inactive license.* The board may issue an inactive license to any
22 advanced practice registered nurse as defined in rules and regulations who
23 makes written application for such license on a form provided by the
24 board, who remits a fee as established pursuant to K.S.A. 65-1118, and
25 amendments thereto, and who is not regularly engaged in advanced
26 practice registered nursing in Kansas. The holder of an inactive license
27 shall not be required to submit evidence of satisfactory completion of a
28 program of continuing education required by K.S.A. 65-1117 and 65-1132,
29 and amendments thereto. An inactive license shall not entitle the holder to
30 engage in advanced practice registered nursing in this state. Each inactive
31 license may be renewed subject to the provisions of this section. An
32 inactive licensee may apply for a license to regularly engage in advanced
33 practice registered nursing upon filing a written reinstatement application
34 with the board. The application shall be on a form provided by the board
35 and shall be accompanied by the license fee established pursuant to K.S.A.
36 65-1118, and amendments thereto. An applicant for a license to practice as
37 an advanced practice registered nurse who has not been licensed to
38 practice advanced practice registered nursing for five years preceding
39 application shall be required to successfully complete a refresher course as
40 defined by the board. The board shall by rules and regulations establish
41 appropriate continuing education requirements for inactive licensees to
42 become licensed to regularly engage in advanced practice registered
43 nursing in this state. An advanced practice registered nurse who has been

1 granted an inactive license pursuant to this subsection shall be exempt
 2 from the requirements of K.S.A. 40-3402 and 40-3404, and amendments
 3 thereto.

4 (e) The board shall have authority to adopt rules and regulations to
 5 carry out the provisions of this section.

6 **Sec. 9.** K.S.A. 65-1132 is hereby amended to read as follows: 65-
 7 1132. (a) *(1) Except as further provided by this section, all licenses issued*
 8 *under the provisions of this act, whether initial or renewal, shall*~~expire~~
 9 *have a renewal date set every two years. The*~~expiration~~ *renewal date shall*
 10 *be established by rules and regulations of the board.*

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

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

23 ~~(1)(A)~~ A renewal application together with the prescribed biennial
 24 renewal fee;

25 ~~(2)(B)~~ evidence of completion of continuing education in the
 26 advanced practice registered nurse role, which has met the continuing
 27 education requirement for an advanced practice registered nurse as
 28 developed by the board or by a national organization whose certifying
 29 standards are approved by the board as equal to or greater than the
 30 corresponding standards established by the board. These continuing
 31 education credits approved by the board may be applied to satisfy the
 32 continuing education requirements established by the board for licensed
 33 professional nurses under K.S.A. 65-1117, and amendments thereto, if the
 34 board finds such continuing education credits are equivalent to those
 35 required by the board under K.S.A. 65-1117, and amendments thereto; and

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

37 (4) (A) Upon receipt of such application and payment of any
 38 applicable fee, and upon being satisfied that the applicant for renewal of a
 39 license meets the requirements established by the board under K.S.A. 65-
 40 1130, and amendments thereto, in effect at the time of initial qualification
 41 of the applicant, the board shall verify the accuracy of the application and
 42 grant a renewal license.

43 (B) *Once the requirements of this paragraph have been met, a digital*

The purpose of **SECTION 9** is the same as SECTION 2, but specific to APRNs. It provides ample notice of license renewal dates and allow a grace period of 90 days in the event a nurse misses their renewal date. During the grace period the nurse's license is still valid. Late renewal carries a late-renewal fee of \$300, but is not subject to discipline. SECTION 9 also makes it clear that licensing issues are not subject to discipline – if there is an issue with CNE or other questions about qualifications, KSBN's only remedy is to hold off on issuing the license until verifying the nurse qualifies for licensure or renewal.

SECTION 9 is necessary because, by all appearances, the agency is technologically deficient, not capable or interested in providing multiple notifications of renewal deadlines to licensees, and eager to cash in by converting licensing hiccups into discipline cases.

1 notification of submission that contains a receipt for payment of any fees
 2 shall promptly be sent to the applicant or licensee. If the board grants a
 3 renewal license or a late renewal license, a digital notification of such
 4 renewal shall be sent to the applicant or licensee.

5 (b) (1) ~~Any~~ If a person ~~who~~ fails to ~~secure~~ complete a renewal license
 6 prior to the ~~expiration~~ renewal date of the license, ~~may secure a~~
 7 ~~reinstatement of such lapsed license by making~~ the board shall provide
 8 such person notice of the failure to complete a renewal license, which
 9 shall include information that:

10 (A) The license may be canceled if not renewed within 90 days
 11 following the renewal date;

12 (B) upon receipt of the renewal application ~~therefor~~ on a form
 13 provided by the board, ~~upon~~ furnishing proof that the applicant is
 14 competent and qualified to act as an advanced practice registered nurse
 15 and ~~upon~~ by satisfying all of the requirements for ~~reinstatement~~ late
 16 renewal, including payment to the board of a ~~reinstatement~~ late renewal
 17 fee as established by the board, within the 90-day period, the license will
 18 not be canceled; and

19 (C) if both fees are not received within the 90-day period, the license
 20 will be deemed canceled by operation of law and without further
 21 proceedings.

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

27 (3) If the board determines that an applicant or licensee is not
 28 qualified for licensure or renewal or payment has not been received, the
 29 board's sole recourse is to withhold licensure or renewal until such time
 30 that the licensee or applicant is qualified and payment is received. If the
 31 board makes a determination that an applicant or licensee is not qualified
 32 for licensure, the board shall promptly inform the applicant or licensee.

33 **Sec. 10.** K.S.A. 2025 Supp. 74-1106 is hereby amended to read as
 34 follows: 74-1106. (a) *Appointment, term of office.* (1) The governor shall
 35 appoint, *subject to confirmation by the senate as provided in K.S.A. 75-*
 36 *4315b, and amendments thereto,* a board consisting of 11 members of
 37 which six shall be registered professional nurses *or advanced practice*
 38 *registered nurses*, two shall be licensed practical nurses and three shall be
 39 members of the general public, ~~which~~. *The 11 members shall constitute a*
 40 *board of nursing, with the duties, power and authority set forth in this act.*

41 (2) Upon the expiration of the term of any registered professional
 42 nurse, the Kansas state nurses association shall submit to the governor a
 43 list of registered professional nurses containing names of not less than

SECTION 10 – Previously, the Governor selected board members. SECTION 10 adds confirmation by the senate as an additional oversight mechanism. (According to the National Council of States Boards of Nursing, over 50% of states employ some version of legislative confirmation for board selections.)

The proposed additions to K.S.A. 74-1106(b)(2) and (f) are necessary because there are currently no provisions in the Kansas Nurse Practice Act prohibiting those with oversight authority over the board from also serving on the board, and there is no mechanism for removal of board members for cause. The proposed legislation prohibits conflict-of-interest situations and allows removal of board members for cause by the governor.

Section (c)(2)(B) provides licensees with notice and a meaningful opportunity to participate in the discussion of any statutory, regulatory or policy proposals made by the board.

1 three times the number of persons to be appointed, and appointments shall
2 be made after consideration of such list for terms of four years and until a
3 successor is appointed and qualified.

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

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

12 (5) Whenever a vacancy occurs on the board of nursing, it shall be
13 filled by appointment for the remainder of the unexpired term in the same
14 manner as the preceding appointment. No person shall serve more than
15 two consecutive terms as a member of the board of nursing and
16 appointment for the remainder of an unexpired term shall constitute a full
17 term of service on such board.

18 (b) *Qualifications of members.* (1) Each member of the board shall be
19 a citizen of the United States and a resident of the state of Kansas.
20 Registered professional nurse members shall possess a license to practice
21 as a professional nurse in this state with at least five years' experience in
22 nursing as such and shall be actively engaged in professional nursing in
23 Kansas at the time of appointment and reappointment. The licensed
24 practical nurse members shall be licensed to practice practical nursing in
25 the state with at least five years' experience in practical nursing and shall
26 be actively engaged in practical nursing in Kansas at the time of
27 appointment and reappointment. The governor shall appoint successors so
28 that the registered professional nurse membership of the board shall
29 consist of at least two members who are engaged in nursing service, at
30 least two members who are engaged in nursing education and at least one
31 member who is engaged in practice as an advanced practice registered
32 nurse or a registered nurse anesthetist. The consumer members shall
33 represent the interests of the general public. At least one consumer
34 member shall not have been involved in providing healthcare. Each
35 member of the board shall take and subscribe the oath prescribed by law
36 for state officers, which oath shall be filed with the secretary of state.

37 (2) *A member shall not serve on the board while also elected to the*
38 *office of governor or attorney general or a member of the legislature.*

39 (c) *Duties and powers.* (1) The board shall meet annually at Topeka
40 during the month of September and shall elect from its members a
41 president, vice-president and secretary, each of whom shall hold their
42 respective offices for one year. The board shall employ an executive
43 administrator, who shall be a registered professional nurse, who shall not

1 be a member of the board and who shall be in the unclassified service
2 under the Kansas civil service act, and shall employ such other employees,
3 who shall be in the classified service under the Kansas civil service act as
4 necessary to carry on the work of the board. The information technology
5 and operational staff shall remain employees of the board. As necessary,
6 the board shall be represented by an attorney appointed by the attorney
7 general as provided by law, whose compensation shall be determined and
8 paid by the board with the approval of the governor. The board may hold
9 such other meetings during the year as may be deemed necessary to
10 transact its business.

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

15 (B) *Except for rules and regulations revoked pursuant to K.S.A. 77-*
16 *426(d), and amendments thereto, prior to the adoption, amendment or*
17 *repeal of any permanent rule and regulation, the board shall provide at*
18 *least 60 days' notice via email of such board's intended action to all*
19 *licenses who have an email on file with the board.*

20 (3) The board shall prescribe curricula and standards for professional
21 and practical nursing programs and mental health technician programs,
22 and provide for surveys of such schools and courses at such times as it
23 may deem necessary. It shall accredit such schools and approve courses as
24 meet the requirements of the appropriate act and rules and regulations of
25 the board.

26 (4) The board shall examine, license and renew licenses of duly
27 qualified applicants and conduct hearings upon charges for limitation,
28 suspension or revocation of a license or approval of professional and
29 practical nursing and mental health technician programs and may limit,
30 deny, suspend or revoke for proper legal cause, licenses or approval of
31 professional and practical nursing and mental health technician programs,
32 as hereinafter provided. Examination for applicants for registration shall
33 be given at least twice each year and as many other times as deemed
34 necessary by the board. The board shall promote improved means of
35 nursing education and standards of nursing care through institutes,
36 conferences and other means.

37 (5) The board shall have a seal of which the executive administrator
38 shall be the custodian. The president and the secretary shall have the
39 power and authority to administer oaths in transacting business of the
40 board, and the secretary shall keep a record of all proceedings of the board
41 and a register of professional and practical nurses and mental health
42 technicians licensed and showing the certificates of registration or licenses
43 granted or revoked, which register shall be open at all times to public

1 inspection.

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

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

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

16 (d) *Subpoenas*. In all investigations and proceedings, the board shall
17 have the power to issue subpoenas and compel the attendance of witnesses
18 and the production of all relevant and necessary papers, books, records,
19 documentary evidence and materials. Any person failing or refusing to
20 appear or testify regarding any matter about which such person may be
21 lawfully questioned or to produce any books, papers, records,
22 documentary evidence or relevant materials in the matter, after having
23 been required by order of the board or by a subpoena of the board to do so,
24 upon application by the board to any district judge in the state, may be
25 ordered by such judge to comply therewith. Upon failure to comply with
26 the order of the district judge, the court may compel obedience by
27 attachment for contempt as in the case of disobedience of a similar order
28 or subpoena issued by the court. A subpoena may be served upon any
29 person named therein anywhere within the state with the same fees and
30 mileage by an officer authorized to serve subpoenas in civil actions in the
31 same procedure as is prescribed by the code of civil procedure for
32 subpoenas issued out of the district courts of this state.

33 (e) *Compensation and expenses*. Members of the board of nursing
34 attending meetings of such board, or attending a subcommittee meeting
35 thereof authorized by such board, shall be paid compensation, subsistence
36 allowances, mileage and other expenses as provided in K.S.A. 75-3223,
37 and amendments thereto. No member of the board of nursing shall be paid
38 an amount as provided in K.S.A. 75-3223, and amendments thereto, if
39 such member receives an amount from another governmental or private
40 entity for the purpose for which such amount is payable under K.S.A. 75-
41 3223, and amendments thereto.

42 (f) *Removal of members*. *The governor may remove any member of*
43 *the board of nursing for neglect of any duty required by law or rule and*

1 *regulation, incompetence, for unprofessional or dishonorable conduct or*
 2 *any other reason permitted under Kansas law.*

3 **Sec. 11.** K.S.A. 74-1108 is hereby amended to read as follows: 74-

4 1108. (a) The executive administrator of the board of nursing shall remit
 5 all moneys received by the board from fees, charges or penalties,
 6 *disciplinary fines, disciplinary fees, costs or any other source* other than
 7 moneys received under K.S.A. 74-1109, and amendments thereto, to the
 8 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
 9 amendments thereto. Upon receipt of each such remittance, the state
 10 treasurer shall deposit the entire amount in the state treasury. Ten percent
 11 of each such deposit shall be credited to the state general fund and the
 12 balance shall be credited to the board of nursing fee fund. All expenditures
 13 from such fund shall be made in accordance with appropriation acts upon
 14 warrants of the director of accounts and reports issued pursuant to
 15 vouchers approved by the president of the board or by a person or persons
 16 designated by the president.

17 (b) *The board of nursing shall issue a refund from the board of*
 18 *nursing fee fund to an applicant or licensee under reasonable*
 19 *circumstances, including an overpayment or duplicate payment made by*
 20 *such applicant or licensee.*

21 **Sec. 12.** K.S.A. 74-1110 is hereby amended to read as follows: 74-

22 1110. (a) The board of nursing, in addition to any other penalty prescribed
 23 by law, may assess a civil fine, after proper notice and an opportunity to be
 24 heard, against any person granted a license, certificate of qualification or
 25 authorization to practice by the board of nursing for *committing* a violation
 26 of a law or rule and regulation ~~applicable to the practice~~ *arising from the*
 27 *practice of nursing as defined in K.S.A. 65-1113, and amendments thereto,*
 28 *for which such person has been granted a license, certificate of*
 29 *qualification or authorization by the board, if such violation is proven by*
 30 *clear and convincing evidence,* in an amount of not to exceed \$1,000 for
 31 the first violation, \$2,000 for the second violation and \$3,000 for the third
 32 violation and for each subsequent violation. All fines assessed and
 33 collected under this section shall be remitted to the state treasurer in
 34 accordance with the provisions of K.S.A. 75-4215, and amendments
 35 thereto. Upon receipt of each such remittance, the state treasurer shall
 36 deposit the entire amount in the state treasury to the credit of the state
 37 general fund.

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

40 **Sec. 13.** K.S.A. 65-1119, 65-1120a, 65-1131, 65-1132, 74-1108 and
 41 74-1110 and K.S.A. 2025 Supp. 65-1117, 65-1118, 65-1120, 65-1127 and
 42 74-1106 are hereby repealed.

43 **Sec. 14.** This act shall take effect and be in force from and after its

SECTION 11 KSBN has used the discipline of licensees to generate revenue under terms such as “fines” and “costs” As a result money disgorged from licensees through the agency’s disciplinary process is retained by the agency and not remitted to the state treasurer. This section prevents KSBN from generating revenue by over-disciplining licensees. SECTION 11 also for the purpose of generating revenue for the agency. The proposed legislation provides clear authorization for the agency to issue refunds where appropriate. KSBN currently claims to lack authorization to issue refunds to licensees for any purpose. – see <https://ksbn.kansas.gov/renewal-application/>

SECTION 12 Although the language of the current statute appears to clearly limit civil fines to practice violations, the agency, administrative hearing officers, Kansas District Courts and the Kansas Court of Appeals have interpreted the current statute to allow civil fines for license renewal violations and other non-practice situations. The proposed language seeks to clarify that civil fines under the statute are limited to practice violations. The addition of the heightened clear and convincing evidence standard provides some additional due process protections for licensees facing discipline cases where civil fines are sought by the agency.

- 1 publication in the statute book.