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**Joint Meeting
Kansas State Board of Nursing
Kansas State Board of Healing Arts
August 17, 2007**

MEETING LOCATION: **Landon State Office Building
900 SW Jackson, Room 106
Topeka, Kansas**

KSBN Board Members: Jane Conroy, NP-C, ARNP, Board President
Judith Hiner, RN, BSN, CNA

KSBN Staff: Mary Blubaugh, MSN, RN, Executive Administrator
Diane Glynn, JD, RN, Practice Specialist
Patty Brown, MS, RN, Education Specialist
Adrian Guerrero, IT Manager
Inge Reed, Senior Administrative Assistant

KSBHA Board Members: Betty McBride, Board Vice President
Michael Beezley, MD
Roger Warren, MD
Sue Ice, Public Member
Nancy Welsh, MD
Gary Counselman, DC
John White, DO
Mark McCune, MD

KSBHA Staff: Larry Buening, Executive Director
Mark Stafford, General Counsel
Cathy Brown, Executive Assistant

Visitors: Anita Jacoby Faye Heller
Katy Lenahan Terri Roberts
Diane Bellquist Roxanne Perucca
Shanna Ziegler Dan Morin
Ruth Werner Doug Smith
Sharon Schmidt Deb Yocum
Renee Palermo Anne Kindling
Serena Stutzman Deborah Stern
Sandy Smith

Opening: Betty McBride gave the welcome and introductions were made.

Fingerprints and CBC: The bills for Fingerprints and Criminal Background Checks were discussed. Mr. Buening reviewed whether there should be fingerprinting and criminal background checks as part of the application process. He said that KSBHA and KSBN worked with Dave Sims, KBI Special Agent, to draft bills regarding this issue and that these were both introduced as separate bills during the last legislative

session. Both bills passed the Senate. The KSBHA bill received a hearing in the House Health Human Services Committee but the Nursing bill did not and KSBHA bill did not move out of committee. There are an increasing number of medical boards that now require fingerprinting and criminal background checks. Mr. Buening said that the questions now become, "What can we do to proceed and get a bill that will pass?" and "Do our bills allow the Boards to obtain more information than what is needed.

Dr, Warren stated that KSBHA experience includes a person who used a number of names, one of which he used to apply for licensing. KU caught this problem and notified the Board. Ms. Hiner related that the KSBN licensing board had someone who stole the identity of a nurse and practiced under this identity. Dr. Welsh stated that she did not think this would be the wrong way to go, in any respect, and encouraged the support of all Board members. Ms. Ice thought that the general public would support this as a worthwhile thing.

Ms. McBride asked again, what could be changed to help these bills get passed. Ms. Blubaugh stated that the bills had done pretty well on the Senate side.

Mr. Buening asked if the Boards like the bills as written, or would they like to soften them, for instance, by not obtaining non-conviction records. Ms. Conroy thought that the expungements and the non-convictions had held up their bill and they may need to change the language on that. Ms. McBride felt that this was something that we needed.

Dr. White asked what the Board's opinion was on Juvenile records being part of the application process. Ms. Hiner stated that they see behavior patterns and not all applicants are truthful. She also said that Agent Sims encouraged us to request these records.

The attending members of both Boards agreed that they would recommend to their individual Boards to attempt to get the bills passed in their current form. If they won't pass in their current form, then the second option would be to drop the expungements.

Ms. Glynn said she felt it was important to include juvenile records, especially if there is a significant history there, because many applicants for licensure are in their late teens when they apply.

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Judicial Committee:

Kansas Administrative Procedures ACT and the Interim Legislative Study for Judicial Review of Agency Actions were discussed. Mr. Stafford discussed administrative hearings, the administrative procedure act and the judicial review act. Prior to the 2007 legislative session, both Boards have been exempt from certain changes to the administrative hearing process that would require hearings to be conducted by a presiding officer appointed by the Office of Administrative Hearings. During the last legislative session SB 351 established that all hearings be conducted by the Office of Administrative Hearings, if not conducted by the agency head or by a member of a board. A legislative committee is now looking into whether this should be further restricted so that the agency head may not hear cases or even review the initial orders. Mr. Stafford asked for the recommendation of the two Boards as to whether they wanted to continue to hear cases or not.

Dr. Warren felt that there was a problem with a lay person testifying, judging or serving as a hearing officer in these cases. Several members of the KSBHA felt that a practitioner should be reviewed or judged by a peer or group of peers.

Ms. McBride asked for the KSBN's support on this issue with their Board members. Attending members agreed to take it back to their Board and contact the KSBHA if they agreed to lend their support.

ARNP Regulations:

Ms. Conroy stated that the KSBN has reviewed their supervision regulations extensively and is drafting new language that will be reviewed at their September meeting. They have not yet agreed upon protocol language so there will be additional changes to the existing proposed regulations.

Article 28 – KSBHA Supervision Regulations:

The KSBHA's proposed supervision regulations are posted on our website. There are certain professions that the KSBHA regulate and some of the wording is a little unclear so that has caused some opposition to the current proposed language in some of the regulations.

Both Boards are aware that the medical societies and the Nursing Association have been trying to work out acceptable language but were not aware that anything had been agreed upon to date. KSBHA will be bringing its regulations before the Board at the August meeting for further discussion and comment for proposed changes.

Dr. Warren stated that he has represented the Kansas Medical Society at KU during medical training sessions. He said it was hard for the two factions to get started and learn to communicate to achieve the same ends; however, after a while they discovered that it was possible and that they both ultimately wanted the same end result.

Ms. McBride asked if the KSBN would consider having a committee of some of their members and some KSBHA members get together to work out the language for these regulations. Ms. Blubaugh said she would bring that before the KSBN at their September meeting and then let KSBHA staff know their decision.

Mr. Stafford said that Physician Assistants (PAs) do not learn to practice via a written protocol in the way that Advanced Registered Nurse Practitioners (ARNPs) do. Both professions, however, are trained at a competent level and they both receive direction from a supervising practitioner. Getting the concept parallel should be possible, but getting the language identical on both may not be entirely possible.

Dr. McCune asked Ms. Conroy if she felt more comfortable having her charts reviewed. She said no, she felt more comfortable having ongoing conversations with her supervising practitioner.

Mr. Stafford asked if any consideration had been given to whether the corporate practice prohibition doctrine should apply to NPs and ARNPs, as it now applies to Physician Assistants. Corporations that are profit driven and may not always have the best interest of the patient in mind can now hire NPs and ARNPs as employees.

Dr. Warren stated it's not really the rules we create that makes quality care happen; it's practitioners who are really dedicated to providing quality patient care that make it happen.

Jane Conroy stated that there is a lot of controversy between the professional societies. She said there needs to be an arrangement between the physician and the ARNP that covers how the ARNP is doing on patient care, provides something so that the physician knows what the ARNP is doing, and assures that the ARNP is not performing outside their scope of practice.

Ms. Sandy Smith, a representative of Shughart Thomson Kilroy, Kansas City, Missouri stated that she was not sure

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the proposed regulation written by the KSBN provides the clarity that is necessary in the area of protocols.

Ms. McBride asked if the two Boards would we like to have further joint meetings. Several members indicated that they would. Ms. Hiner said she would like to have a joint committee meeting, and then a joint Board meeting. Ms. Blubaugh and Mr. Buening will get these meeting organized.

Adjournment:

The meeting adjourned at 3:27 p.m.