

| Section | Dec Draft Statute Number | page | Jan Draft Statute Number | page | Dec to Jan section comparision |
|---------|-----------------------------|------|-----------------------------|------|-----------------------------------|
| 1 | 65-1113 | 1 | 65-1113 | 1 | same |
| 2 | 65-1130 | 2 | 65-1130 | 2 | same |
| 3 | 65-468 | 8 | 39-932 | 6 | new section |
| 4 | 65-1626 | 10 | 39-1401 | 10 | new section |
| 5 | 65-1637a | 25 | 39-1430 | 13 | new section |
| 6 | 65-1660 | 26 | 39-1504 | 15 | new section |
| 7 | 65-1682 | 27 | 40-4602 | 17 | new section |
| 8 | 65-2837a | 28 | 59-2976 | 18 | new section |
| 9 | 65-2921 | 30 | 65-468 | 19 | was section 3 |
| 10 | 65-4101 | 31 | 65-1626 | 21 | was section 4 |
| 11 | 65-4116 | 39 | 65-1660 | 30 | was section 6 |
| 12 | 65-4134 | 43 | 65-1682 | 31 | was section 7 |
| 13 | 65-4202 | 43 | 65-2837a | 32 | was section 8 |
| 14 | 65-5402 | 44 | 65-2892 | 33 | new section |
| 15 | 65-7003 | 47 | 65-2921 | 34 | was section 9 |
| 16 | 65-7302 | 50 | 65-4101 | 34 | was section 10 |
| 17 | 72-5213 | 52 | 65-4116 | 40 | was section 11 |
| 18 | list repealed | 54 | 65-4134 | 42 | was section 12 |
| 19 | effective date | 54 | 65-4202 | 42 | was section 13 |
| 20 | n/a | | 65-5402 | 43 | was section 14 |
| 21 | n/a | | 65-5418 | 44 | new section |
| 22 | n/a | | 65-5502 | 46 | new section |
| 23 | n/a | | 65-6112 | 47 | new section |
| 24 | n/a | | 65-6119 | 50 | new section |
| 25 | n/a | | 65-6120 | 51 | new section |
| 26 | n/a | | 65-6121 | 54 | new section |
| 27 | n/a | | 65-6123 | 56 | new section |
| 28 | n/a | | 65-6124 | 57 | new section |
| 29 | n/a | | 65-6144 | 58 | new section |
| 30 | n/a | | 65-7003 | 59 | was section 15 |
| 31 | n/a | | 65-7302 | 61 | was section 16 |
| 32 | n/a | | 72-5213 | 62 | was section 17 |
| 33 | n/a | | 75-7429 | 64 | new section |
| 34 | n/a | | list repealed | 64 | was section 18 |
| 35 | n/a | | effective date | 64 | was section 19 |

SB 326

Compared to bill board
reviewed December 2013

[] = new language
✓ - same language

Session of 2014

SENATE BILL No. 326

By Committee on Ways and Means

1-29

1 AN ACT concerning advanced practice registered nurses; amending
2 K.S.A. 40-4602, 59-2976, 65-1660, 65-2892, 65-4134 and 65-5502
3 and K.S.A. 2013 Supp. 39-923, 39-1401, 39-1430, 39-1504, 65-468,
4 65-1113, 65-1130, 65-1626, 65-1682, 65-2837a, 65-2921, 65-4101, 65-
5 4116, 65-4202, 65-5402, 65-5418, 65-6112, 65-6119, 65-6120, 65-
6 6121, 65-6123, 65-6124, 65-6144, 65-7003, 65-7302, 72-5213 and 75-
7 7429 and repealing the existing sections.

8
9 *Be it enacted by the Legislature of the State of Kansas:*

10 ✓ Section 1. K.S.A. 2013 Supp. 65-1113 is hereby amended to read as
11 follows: 65-1113. When used in this act and the act of which this section is
12 amendatory:

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

14 (b) "Diagnosis" in the context of nursing practice means that
15 identification of and discrimination between physical and psychosocial
16 signs and symptoms essential to effective execution and management of
17 the nursing regimen and shall be construed as distinct from a medical
18 diagnosis.

19 (c) "Treatment" means the selection and performance of those
20 therapeutic measures essential to effective execution and management of
21 the nursing regimen, and any prescribed medical regimen.

22 (d) ✓ *Practice of nursing.* (1) The practice of professional nursing as
23 performed by a registered professional nurse for compensation or
24 gratuitously, except as permitted by K.S.A. 65-1124, and amendments
25 thereto, means the process in which substantial specialized knowledge
26 derived from the biological, physical, and behavioral sciences is applied
27 to: the care, diagnosis, treatment, counsel and health teaching of persons
28 who are experiencing changes in the normal health processes or who
29 require assistance in the maintenance of health or the prevention or
30 management of illness, injury or infirmity; administration, supervision or
31 teaching of the process as defined in this section; and the execution of the
32 medical regimen as prescribed by a person licensed to practice medicine
33 and surgery ~~or~~, a person licensed to practice dentistry *or by a person* ✓
34 *licensed to practice as an advanced practice registered nurse.* (2) The
35 practice of nursing as a licensed practical nurse means the performance for
36 compensation or gratuitously, except as permitted by K.S.A. 65-1124, and

1 any amendments thereto, of tasks and responsibilities defined in part (1) of
2 this subsection (d) which tasks and responsibilities are based on acceptable
3 educational preparation within the framework of supportive and restorative
4 care under the direction of a registered professional nurse, a person
5 licensed to practice medicine and surgery-~~or~~, a person licensed to practice
6 dentistry *or by a person licensed to practice as an advanced practice* ✓
7 *registered nurse.* ✓

8 (e) A "professional nurse" means a person who is licensed to practice
9 professional nursing as defined in part (1) of subsection (d) of this section.

10 (f) A "practical nurse" means a person who is licensed to practice
11 practical nursing as defined in part (2) of subsection (d) of this section.

12 (g) "Advanced practice registered nurse" or "APRN" means a
13 professional nurse who holds a license from the board to function as a
14 professional nurse in an advanced role, and this advanced role shall be
15 defined by rules and regulations adopted by the board in accordance with
16 K.S.A. 65-1130, and amendments thereto.

17 ✓ Sec. 2. K.S.A. 2013 Supp. 65-1130 is hereby amended to read as
18 follows: 65-1130. (a) No professional nurse shall announce or represent to
19 the public that such person is an advanced practice registered nurse unless
20 such professional nurse has complied with requirements established by the
21 board and holds a valid license as an advanced practice registered nurse in
22 accordance with the provisions of this section.

23 (b) *On and after the effective date of this act, to be eligible for an* ✓
24 *initial advanced practice registered nurse license, an applicant shall hold* ✓
25 *and maintain a current advanced practice registered nurse certification* ✓
26 *granted by a national certifying organization recognized by the board* ✓
27 *whose certification standards are approved by the board as equal to or* ✓
28 *greater than the corresponding standards established by the board.* ✓

29 (c) The board shall establish standards and requirements for any
30 professional nurse who desires to obtain licensure as an advanced practice
31 registered nurse. Such standards and requirements shall include, but not be
32 limited to, standards and requirements relating to the education of
33 advanced practice registered nurses. The board may give such
34 examinations and secure such assistance as it deems necessary to
35 determine the qualifications of applicants.

36 ✓ ~~(e)~~(d) The board shall adopt rules and regulations applicable to
37 advanced practice registered nurses which:

38 (1) Establish roles and identify titles and abbreviations of advanced
39 practice registered nurses which are consistent with *advanced* nursing
40 practice specialties recognized by the nursing profession.

41 (2) ✓ Establish education and qualifications necessary for licensure for
42 each ~~role~~ of advanced practice registered nurse *role* established by the
43 board at a level adequate to assure the competent performance by

1 advanced practice registered nurses of functions and procedures which
 2 advanced practice registered nurses are authorized to perform. Advanced
 3 practice registered nursing is based on knowledge and skills acquired in
 4 basic nursing education, licensure as a registered nurse and graduation
 5 from or completion of a master's or higher degree in one of the advanced
 6 practice registered nurse roles approved by the board of nursing.

7 (3) Define the role of advanced practice registered nurses and
 8 establish limitations and restrictions on such role. The board shall adopt a
 9 definition of the role under this subsection (c)(3) which is consistent with
 10 the education and qualifications required to obtain a license as an
 11 advanced practice registered nurse, which protects the public from persons
 12 performing functions and procedures as advanced practice registered
 13 nurses for which they lack adequate education and qualifications and
 14 which authorizes advanced practice registered nurses to perform acts
 15 generally recognized by the profession of nursing as capable of being
 16 performed, in a manner consistent with the public health and safety, by
 17 persons with postbasic education in nursing. In defining such role the
 18 board shall consider: (A) The education required for a licensure as an
 19 advanced practice registered nurse; (B) the type of nursing practice and
 20 preparation in specialized advanced practice skills involved in each role of
 21 advanced practice registered nurse established by the board; (C) the scope
 22 and limitations of advanced practice nursing prescribed by national
 23 advanced practice organizations; ~~and~~ (D) acts recognized by the nursing
 24 profession as appropriate to be performed by persons with postbasic
 25 education in nursing; and (E) the certification standards established by an
 26 accredited national organization whose certification standards are
 27 approved by the board as equal to or greater than the corresponding
 28 standards established under this act for obtaining authorization to
 29 practice as an advanced practice registered nurse in the specific role.

30 (e) "Treatment" means, when used in conjunction with the practice of
 31 an advanced practice registered nurse, planning, diagnosing, ordering
 32 and executing of a healthcare plan including, but not limited to,
 33 pharmacologic and non-pharmacologic interventions. This term also
 34 includes prescribing medical devices and equipment, nutrition, and
 35 diagnostic and supportive services including, but not limited to, home
 36 health care, hospice, physical and occupational therapy.

37 (f) The practice of nursing as an advanced practice registered nurse
 38 means the performance for compensation or gratuitously, except as
 39 permitted by K.S.A. 65-1124, and amendments thereto, of the process in
 40 which advanced knowledge derived from the biological, physical and
 41 behavioral sciences is applied to direct and indirect care, including, **but**
 42 **not limited to** creating and executing a health care plan; nursing and
 43 medical diagnosis, **management, treatment and prescribing; administering**

New language

New language

1 pharmacologic and non-pharmacologic interventions; counseling and ✓
 2 health teaching of persons who are experiencing changes in the normal ✓
 3 health processes or who require assistance in the maintenance of health; ✓
 4 or the prevention or management of illness, injury or infirmity; ✓
 5 administration, supervising or teaching within the advanced practice ✓
 6 registered nurse's role. Within the role of the advanced practice registered ✓
 7 nurse, an advanced practice registered nurse may serve as a primary care ✓
 8 provider and lead health care teams.

9 (d)(g) ~~An advanced practice registered nurse may prescribe drugs~~ ✓
 10 ~~pursuant to a written protocol as authorized by a responsible physician.~~ ✓
 11 ~~Each written protocol shall contain a precise and detailed medical plan of~~ ✓
 12 ~~care for each classification of disease or injury for which the advanced~~ ✓
 13 ~~practice registered nurse is authorized to prescribe and shall specify all~~ ✓
 14 ~~drugs which may be prescribed by the advanced practice registered nurse~~ ✓
 15 *Advanced practice registered nurses are authorized to prescribe, procure* ✓
 16 *and administer prescription drugs and controlled substances pursuant to* ✓
 17 *applicable state and federal laws.* ~~Any written prescription order by an~~ ✓
 18 *advanced practice registered nurse shall include the name, address and* ✓
 19 *telephone number of the responsible physician advanced practice* ✓
 20 *registered nurse.* The advanced practice registered nurse may not dispense ✓
 21 drugs, but may request, receive and sign for professional samples and may ✓
 22 distribute professional samples to patients pursuant to a written protocol as ✓
 23 ~~authorized by a responsible physician.~~ In order to prescribe controlled ✓
 24 substances, the advanced practice registered nurse shall: (1) Register with ✓
 25 the federal drug enforcement administration; and (2) notify the board of ✓
 26 ~~the name and address of the responsible physician or physicians.~~ In no ✓
 27 ~~case shall the scope of authority of the advanced practice registered nurse~~ ✓
 28 ~~exceed the normal and customary practice of the responsible physician~~ ✓
 29 *nursing of the federal drug enforcement administration registration as* ✓
 30 *prescribed by rules and regulations of the board. An advanced practice* ✓
 31 *registered nurse shall comply with the federal drug enforcement* ✓
 32 *administration requirements related to controlled substances.* An advanced ✓
 33 practice registered nurse certified in the role of registered nurse anesthetist ✓
 34 while functioning as a registered nurse anesthetist under K.S.A. 65-1151 to ✓
 35 65-1164, inclusive, and amendments thereto, shall be subject to the ✓
 36 provisions of K.S.A. 65-1151 to 65-1164, inclusive, and amendments ✓
 37 thereto, with respect to drugs and anesthetic agents and shall not be subject ✓
 38 to the provisions of this subsection. ~~For the purposes of this subsection,~~ ✓
 39 ~~"responsible physician" means a person licensed to practice medicine and~~ ✓
 40 ~~surgery in Kansas who has accepted responsibility for the protocol and the~~ ✓
 41 ~~actions of the advanced practice registered nurse when prescribing drugs.~~ ✓
 42 (h) *An advanced practice registered nurse is accountable to patients,* ✓
 43 *the nursing profession and the board for complying with the requirements* ✓

- 1 of the nurse practice act, and any rules and regulations adopted pursuant ✓
 2 thereto, and is responsible for recognizing limits of knowledge and ✓
 3 experience, planning for the management of situations beyond the ✓
 4 advanced practice registered nurse's expertise and referring patients to ✓
 5 other health care professionals as appropriate. ✓
- 6 (i) (1) The board by rules and regulations shall establish a program ✓
 7 of transition to full practice for all persons who on and after the effective ✓
 8 date of this act are granted initial licensure as an advanced practice ✓
 9 registered nurse or who have less than 2,000 hours of licensed active ✓
 10 practice as an advanced practice registered nurse in their initial roles. ✓
- 11 (2) Advanced practice registered nurses who are subject to the ✓
 12 program of transition to full practice shall not prescribe medications ✓
 13 except as provided in this subsection. ✓
- 14 (3) As part of the program of transition to full practice, an advanced ✓
 15 practice registered nurse shall complete, within two years from the ✓
 16 commencement of the program by the advanced practice registered nurse, ✓
 17 a transition to full practice period of 2,000 hours while maintaining a ✓
 18 collaborative relationship for practice and for prescribing medications ✓
 19 with either a licensed advanced practice registered nurse with full ✓
 20 prescriptive authority under subsection (g) or with a physician. The ✓
 21 advanced practice registered nurse shall engage in the practice of nursing ✓
 22 as an advanced practice registered nurse and may prescribe medications ✓
 23 as part of the collaborative relationship. ✓
- 24 (4) As part of the program of transition to full practice, the board ✓
 25 shall specify the manner and form in which the advanced practice ✓
 26 registered nurse participating in the program may identify oneself ✓
 27 professionally and to the public. ✓
- 28 (5) The advanced practice registered nurse shall be responsible for ✓
 29 completing the required documentation for the program of transition to ✓
 30 full practice as specified by the board. ✓
- 31 (6) Upon the successful completion of the program of transition to ✓
 32 full practice, the board of nursing shall authorize the advanced practice ✓
 33 registered nurse to engage in the practice of advanced practice registered ✓
 34 nursing without the limitations of this subsection and as otherwise ✓
 35 authorized by law. ✓
- 36 (7) The board may adopt rules and regulations necessary to carry out ✓
 37 the provisions of this subsection. ✓
- 38 (8) As used in this subsection, "physician" means a person licensed to ✓
 39 practice medicine and surgery. ✓
- 40 (j) When a provision of law or rule and regulation requires a ✓
 41 signature, certification, verification, affidavit or endorsement by a ✓
 42 physician, that requirement may be fulfilled by a licensed advanced ✓
 43 practice registered nurse working within the scope of practice of such ✓

(licensed was
deleted)

1 nurse's respective role. ✓

2 (k) The confidential relations and communications between an
3 advance practice registered nurse and the advance practice registered
4 nurse's patient are placed on the same basis as provided by law as those
5 between a physician and a physician's patient in K.S.A. 60-427, and
6 amendments thereto.

7 (l) An advanced practice registered nurse shall maintain malpractice ✓
8 insurance coverage in effect as a condition to rendering professional
9 service as an advanced practice registered nurse in this state and shall
10 provide proof of insurance at time of licensure and renewal of license. The
11 requirements of this subsection shall not apply to an advanced practice
12 registered nurse who practices solely in an employment which results in
13 the advanced practice registered nurse being covered under the federal
14 tort claim act or state tort claims act, or who practices solely as a
15 charitable health care provider under K.S.A. 75-6102, and amendments
16 thereto, or who is serving on active duty in the military service of the
17 United States.

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

21 ~~(f) A person registered to practice as an advanced registered nurse-
22 practitioner in the state of Kansas immediately prior to the effective date of
23 this act shall be deemed to be licensed to practice as an advanced practice
24 registered nurse under this act and such person shall not be required to file
25 an original application for licensure under this act. Any application for
26 registration filed which has not been granted prior to the effective date of
27 this act shall be processed as an application for licensure under this act.~~

was not
deleted
December 2013

28 Sec. 3. K.S.A. 2013 Supp. 39-923 is hereby amended to read as
29 follows: 39-923. (a) As used in this act:

Section 3
New

30 (1) "Adult care home" means any nursing facility, nursing facility for
31 mental health, intermediate care facility for people with intellectual
32 disability, assisted living facility, residential health care facility, home plus,
33 boarding care home and adult day care facility; all of which are
34 classifications of adult care homes and are required to be licensed by the
35 secretary of aging.

36 (2) "Nursing facility" means any place or facility operating 24 hours a
37 day, seven days a week, caring for six or more individuals not related
38 within the third degree of relationship to the administrator or owner by
39 blood or marriage and who, due to functional impairments, need skilled
40 nursing care to compensate for activities of daily living limitations.

41 (3) "Nursing facility for mental health" means any place or facility
42 operating 24 hours a day, seven days a week, caring for six or more
43 individuals not related within the third degree of relationship to the

1 administrator or owner by blood or marriage and who, due to functional
2 impairments, need skilled nursing care and special mental health services
3 to compensate for activities of daily living limitations.

4 (4) "Intermediate care facility for people with intellectual disability"
5 means any place or facility operating 24 hours a day, seven days a week,
6 caring for four or more individuals not related within the third degree of
7 relationship to the administrator or owner by blood or marriage and who,
8 due to functional impairments caused by intellectual disability or related
9 conditions, need services to compensate for activities of daily living
10 limitations.

11 (5) "Assisted living facility" means any place or facility caring for six
12 or more individuals not related within the third degree of relationship to
13 the administrator, operator or owner by blood or marriage and who, by
14 choice or due to functional impairments, may need personal care and may
15 need supervised nursing care to compensate for activities of daily living
16 limitations and in which the place or facility includes apartments for
17 residents and provides or coordinates a range of services including
18 personal care or supervised nursing care available 24 hours a day, seven
19 days a week, for the support of resident independence. The provision of
20 skilled nursing procedures to a resident in an assisted living facility is not
21 prohibited by this act. Generally, the skilled services provided in an
22 assisted living facility shall be provided on an intermittent or limited term
23 basis, or if limited in scope, a regular basis.

24 (6) "Residential health care facility" means any place or facility, or a
25 contiguous portion of a place or facility, caring for six or more individuals
26 not related within the third degree of relationship to the administrator,
27 operator or owner by blood or marriage and who, by choice or due to
28 functional impairments, may need personal care and may need supervised
29 nursing care to compensate for activities of daily living limitations and in
30 which the place or facility includes individual living units and provides or
31 coordinates personal care or supervised nursing care available on a 24-
32 hour, seven-days-a-week basis for the support of resident independence.
33 The provision of skilled nursing procedures to a resident in a residential
34 health care facility is not prohibited by this act. Generally, the skilled
35 services provided in a residential health care facility shall be provided on
36 an intermittent or limited term basis, or if limited in scope, a regular basis.

37 (7) "Home plus" means any residence or facility caring for not more
38 than 12 individuals not related within the third degree of relationship to the
39 operator or owner by blood or marriage unless the resident in need of care
40 is approved for placement by the secretary of the department of social and
41 rehabilitation services, and who, due to functional impairment, needs
42 personal care and may need supervised nursing care to compensate for
43 activities of daily living limitations. The level of care provided to residents

1 shall be determined by preparation of the staff and rules and regulations
2 developed by the department on aging. An adult care home may convert a
3 portion of one wing of the facility to a not less than five-bed and not more
4 than 12-bed home plus facility provided that the home plus facility
5 remains separate from the adult care home, and each facility must remain
6 contiguous. Any home plus that provides care for more than eight
7 individuals after the effective date of this act shall adjust staffing personnel
8 and resources as necessary to meet residents' needs in order to maintain the
9 current level of nursing care standards. Personnel of any home plus who
10 provide services for residents with dementia shall be required to take
11 annual dementia care training.

12 (8) "Boarding care home" means any place or facility operating 24
13 hours a day, seven days a week, caring for not more than 10 individuals
14 not related within the third degree of relationship to the operator or owner
15 by blood or marriage and who, due to functional impairment, need
16 supervision of activities of daily living but who are ambulatory and
17 essentially capable of managing their own care and affairs.

18 (9) "Adult day care" means any place or facility operating less than
19 24 hours a day caring for individuals not related within the third degree of
20 relationship to the operator or owner by blood or marriage and who, due to
21 functional impairment, need supervision of or assistance with activities of
22 daily living.

23 (10) "Place or facility" means a building or any one or more complete
24 floors of a building, or any one or more complete wings of a building, or
25 any one or more complete wings and one or more complete floors of a
26 building, and the term "place or facility" may include multiple buildings.

27 (11) "Skilled nursing care" means services performed by or under the
28 immediate supervision of a registered professional nurse and additional
29 licensed nursing personnel. Skilled nursing includes administration of
30 medications and treatments as prescribed by a licensed physician,
31 *advanced practice registered nurse* or dentist; and other nursing functions
32 which require substantial nursing judgment and skill based on the
33 knowledge and application of scientific principles.

34 (12) "Supervised nursing care" means services provided by or under
35 the guidance of a licensed nurse with initial direction for nursing
36 procedures and periodic inspection of the actual act of accomplishing the
37 procedures; administration of medications and treatments as prescribed by
38 a licensed physician, *advanced practice registered nurse* or dentist and
39 assistance of residents with the performance of activities of daily living.

40 (13) "Resident" means all individuals kept, cared for, treated, boarded
41 or otherwise accommodated in any adult care home.

42 (14) "Person" means any individual, firm, partnership, corporation,
43 company, association or joint-stock association, and the legal successor

1 thereof.

2 (15) "Operate an adult care home" means to own, lease, establish,
3 maintain, conduct the affairs of or manage an adult care home, except that
4 for the purposes of this definition the word "own" and the word "lease"
5 shall not include hospital districts, cities and counties which hold title to an
6 adult care home purchased or constructed through the sale of bonds.

7 (16) "Licensing agency" means the secretary of aging.

8 (17) "Skilled nursing home" means a nursing facility.

9 (18) "Intermediate nursing care home" means a nursing facility.

10 (19) "Apartment" means a private unit which includes, but is not
11 limited to, a toilet room with bathing facilities, a kitchen, sleeping, living
12 and storage area and a lockable door.

13 (20) "Individual living unit" means a private unit which includes, but
14 is not limited to, a toilet room with bathing facilities, sleeping, living and
15 storage area and a lockable door.

16 (21) "Operator" means an individual who operates an assisted living
17 facility or residential health care facility with fewer than 61 residents, a
18 home plus or adult day care facility and has completed a course approved
19 by the secretary of health and environment on principles of assisted living
20 and has successfully passed an examination approved by the secretary of
21 health and environment on principles of assisted living and such other
22 requirements as may be established by the secretary of health and
23 environment by rules and regulations.

24 (22) "Activities of daily living" means those personal, functional
25 activities required by an individual for continued well-being, including but
26 not limited to eating, nutrition, dressing, personal hygiene, mobility and
27 toileting.

28 (23) "Personal care" means care provided by staff to assist an
29 individual with, or to perform activities of daily living.

30 (24) "Functional impairment" means an individual has experienced a
31 decline in physical, mental and psychosocial well-being and as a result, is
32 unable to compensate for the effects of the decline.

33 (25) "Kitchen" means a food preparation area that includes a sink,
34 refrigerator and a microwave oven or stove.

35 (26) The term "intermediate personal care home" for purposes of
36 those individuals applying for or receiving veterans' benefits means
37 residential health care facility.

38 (27) "Paid nutrition assistant" means an individual who is paid to feed
39 residents of an adult care home, or who is used under an arrangement with
40 another agency or organization, who is trained by a person meeting nurse
41 aide instructor qualifications as prescribed by 42 C.F.R. § 483.152, 42
42 C.F.R. § 483.160 and paragraph (h) of 42 C.F.R. § 483.35, and who
43 provides such assistance under the supervision of a registered professional

1 or licensed practical nurse.

2 (28) "Medicaid program" means the Kansas program of medical
3 assistance for which federal or state moneys, or any combination thereof,
4 are expended, or any successor federal or state, or both, health insurance
5 program or waiver granted thereunder.

6 (b) The term "adult care home" shall not include institutions operated
7 by federal or state governments, except institutions operated by the Kansas
8 commission on veterans affairs, hospitals or institutions for the treatment
9 and care of psychiatric patients, child care facilities, maternity centers,
10 hotels, offices of physicians or hospices which are certified to participate
11 in the medicare program under 42 code of federal regulations, chapter IV,
12 section 418.1 et seq., and amendments thereto, and which provide services
13 only to hospice patients.

14 (c) Nursing facilities in existence on the effective date of this act
15 changing licensure categories to become residential health care facilities
16 shall be required to provide private bathing facilities in a minimum of 20%
17 of the individual living units.

18 (d) Facilities licensed under the adult care home licensure act on the
19 day immediately preceding the effective date of this act shall continue to
20 be licensed facilities until the annual renewal date of such license and may
21 renew such license in the appropriate licensure category under the adult
22 care home licensure act subject to the payment of fees and other conditions
23 and limitations of such act.

24 (e) Nursing facilities with less than 60 beds converting a portion of
25 the facility to residential health care shall have the option of licensing for
26 residential health care for less than six individuals but not less than 10% of
27 the total bed count within a contiguous portion of the facility.

28 (f) The licensing agency may by rule and regulation change the name
29 of the different classes of homes when necessary to avoid confusion in
30 terminology and the agency may further amend, substitute, change and in a
31 manner consistent with the definitions established in this section, further
32 define and identify the specific acts and services which shall fall within the
33 respective categories of facilities so long as the above categories for adult
34 care homes are used as guidelines to define and identify the specific acts.

35 Sec. 4. K.S.A. 2013 Supp. 39-1401 is hereby amended to read as
36 follows: 39-1401. As used in this act:

37 (a) "Resident" means:

38 (1) Any resident, as defined by K.S.A. 39-923, and amendments
39 thereto; or

40 (2) any individual kept, cared for, treated, boarded or otherwise
41 accommodated in a medical care facility; or

42 (3) any individual, kept, cared for, treated, boarded or otherwise
43 accommodated in a state psychiatric hospital or state institution for people

Section 4
New

1 with intellectual disability.

2 (b) "Adult care home" has the meaning ascribed thereto in K.S.A. 39-
3 923, and amendments thereto.

4 (c) "In need of protective services" means that a resident is unable to
5 perform or obtain services which are necessary to maintain physical or
6 mental health, or both.

7 (d) "Services which are necessary to maintain physical and mental
8 health" include, but are not limited to, the provision of medical care for
9 physical and mental health needs, the relocation of a resident to a facility
10 or institution able to offer such care, assistance in personal hygiene, food,
11 clothing, adequately heated and ventilated shelter, protection from health
12 and safety hazards, protection from maltreatment the result of which
13 includes, but is not limited to, malnutrition, deprivation of necessities or
14 physical punishment and transportation necessary to secure any of the
15 above stated needs, except that this term shall not include taking such
16 person into custody without consent, except as provided in this act.

17 (e) "Protective services" means services provided by the state or other
18 governmental agency or any private organizations or individuals which are
19 necessary to prevent abuse, neglect or exploitation. Such protective
20 services shall include, but not be limited to, evaluation of the need for
21 services, assistance in obtaining appropriate social services and assistance
22 in securing medical and legal services.

23 (f) "Abuse" means any act or failure to act performed intentionally or
24 recklessly that causes or is likely to cause harm to a resident, including:

25 (1) Infliction of physical or mental injury;

26 (2) any sexual act with a resident when the resident does not consent
27 or when the other person knows or should know that the resident is
28 incapable of resisting or declining consent to the sexual act due to mental
29 deficiency or disease or due to fear of retribution or hardship;

30 (3) unreasonable use of a physical restraint, isolation or medication
31 that harms or is likely to harm a resident;

32 (4) unreasonable use of a physical or chemical restraint, medication
33 or isolation as punishment, for convenience, in conflict with a physician's
34 *or advanced practice registered nurse's* orders or as a substitute for
35 treatment, except where such conduct or physical restraint is in furtherance
36 of the health and safety of the resident or another resident;

37 (5) a threat or menacing conduct directed toward a resident that
38 results or might reasonably be expected to result in fear or emotional or
39 mental distress to a resident;

40 (6) fiduciary abuse; or

41 (7) omission or deprivation by a caretaker or another person of goods
42 or services which are necessary to avoid physical or mental harm or
43 illness.

1 (g) "Neglect" means the failure or omission by one's self, caretaker or
2 another person with a duty to provide goods or services which are
3 reasonably necessary to ensure safety and well-being and to avoid physical
4 or mental harm or illness.

5 (h) "Caretaker" means a person or institution who has assumed the
6 responsibility, whether legally or not, for the care of the resident
7 voluntarily, by contract or by order of a court of competent jurisdiction.

8 (i) "Exploitation" means misappropriation of resident property or
9 intentionally taking unfair advantage of an adult's physical or financial
10 resources for another individual's personal or financial advantage by the
11 use of undue influence, coercion, harassment, duress, deception, false
12 representation or false pretense by a caretaker or another person.

13 (j) "Medical care facility" means a facility licensed under K.S.A. 65-
14 425 et seq., and amendments thereto, but shall not include, for purposes of
15 this act, a state psychiatric hospital or state institution for people with
16 intellectual disability, including Larned state hospital, Osawatomie state
17 hospital and Rainbow mental health facility, Kansas neurological institute
18 and Parsons state hospital and training center.

19 (k) "Fiduciary abuse" means a situation in which any person who is
20 the caretaker of, or who stands in a position of trust to, a resident, takes,
21 secretes, or appropriates the resident's money or property, to any use or
22 purpose not in the due and lawful execution of such person's trust.

23 (l) "State psychiatric hospital" means Larned state hospital,
24 Osawatomie state hospital and Rainbow mental health facility.

25 (m) "State institution for people with intellectual disability" means
26 Kansas neurological institute and Parsons state hospital and training
27 center.

28 (n) "Report" means a description or accounting of an incident or
29 incidents of abuse, neglect or exploitation under this act and for the
30 purposes of this act shall not include any written assessment or findings.

31 (o) "Law enforcement" means the public office which is vested by
32 law with the duty to maintain public order; make arrests for crimes and
33 investigate criminal acts, whether that duty extends to all crimes or is
34 limited to specific crimes.

35 (p) "Legal representative" means an agent designated in a durable
36 power of attorney, power of attorney or durable power of attorney for
37 health care decisions or a court appointed guardian, conservator or trustee.

38 (q) "Financial institution" means any bank, trust company, escrow
39 company, finance company, saving institution or credit union, chartered
40 and supervised under state or federal law.

41 (r) "Governmental assistance provider" means an agency, or
42 employee of such agency, which is funded solely or in part to provide
43 assistance within the Kansas senior care act, K.S.A. 75-5926 et seq., and

1 amendments thereto, including medicaid and medicare.

2 No person shall be considered to be abused, neglected or exploited or
3 in need of protective services for the sole reason that such person relies
4 upon spiritual means through prayer alone for treatment in accordance
5 with the tenets and practices of a recognized church or religious
6 denomination in lieu of medical treatment.

7 Sec. 5. K.S.A. 2013 Supp. 39-1430 is hereby amended to read as
8 follows: 39-1430. As used in this act:

9 (a) "Adult" means an individual 18 years of age or older alleged to be
10 unable to protect their own interest and who is harmed or threatened with
11 harm, whether financial, mental or physical in nature, through action or
12 inaction by either another individual or through their own action or
13 inaction when (1) such person is residing in such person's own home, the
14 home of a family member or the home of a friend, (2) such person resides
15 in an adult family home as defined in K.S.A. 39-1501, and amendments
16 thereto, or (3) such person is receiving services through a provider of
17 community services and affiliates thereof operated or funded by the
18 department of social and rehabilitation services or the department on aging
19 or a residential facility licensed pursuant to K.S.A. 75-3307b, and
20 amendments thereto. Such term shall not include persons to whom K.S.A.
21 39-1401 et seq., and amendments thereto apply.

22 (b) "Abuse" means any act or failure to act performed intentionally or
23 recklessly that causes or is likely to cause harm to an adult, including:

- 24 (1) Infliction of physical or mental injury;
25 (2) any sexual act with an adult when the adult does not consent or
26 when the other person knows or should know that the adult is incapable of
27 resisting or declining consent to the sexual act due to mental deficiency or
28 disease or due to fear of retribution or hardship;
29 (3) unreasonable use of a physical restraint, isolation or medication
30 that harms or is likely to harm an adult;
31 (4) unreasonable use of a physical or chemical restraint, medication
32 or isolation as punishment, for convenience, in conflict with a physician's
33 or advanced practice registered nurse's orders or as a substitute for
34 treatment, except where such conduct or physical restraint is in furtherance
35 of the health and safety of the adult;
36 (5) a threat or menacing conduct directed toward an adult that results
37 or might reasonably be expected to result in fear or emotional or mental
38 distress to an adult;
39 (6) fiduciary abuse; or
40 (7) omission or deprivation by a caretaker or another person of goods
41 or services which are necessary to avoid physical or mental harm or
42 illness.
43 (c) "Neglect" means the failure or omission by one's self, caretaker or

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1 another person with a duty to supply or provide goods or services which
2 are reasonably necessary to ensure safety and well-being and to avoid
3 physical or mental harm or illness.

4 (d) "Exploitation" means misappropriation of an adult's property or
5 intentionally taking unfair advantage of an adult's physical or financial
6 resources for another individual's personal or financial advantage by the
7 use of undue influence, coercion, harassment, duress, deception, false
8 representation or false pretense by a caretaker or another person.

9 (e) "Fiduciary abuse" means a situation in which any person who is
10 the caretaker of, or who stands in a position of trust to, an adult, takes,
11 secretes, or appropriates their money or property, to any use or purpose not
12 in the due and lawful execution of such person's trust or benefit.

13 (f) "In need of protective services" means that an adult is unable to
14 provide for or obtain services which are necessary to maintain physical or
15 mental health or both.

16 (g) "Services which are necessary to maintain physical or mental
17 health or both" include, but are not limited to, the provision of medical
18 care for physical and mental health needs, the relocation of an adult to a
19 facility or institution able to offer such care, assistance in personal
20 hygiene, food, clothing, adequately heated and ventilated shelter,
21 protection from health and safety hazards, protection from maltreatment
22 the result of which includes, but is not limited to, malnutrition, deprivation
23 of necessities or physical punishment and transportation necessary to
24 secure any of the above stated needs, except that this term shall not include
25 taking such person into custody without consent except as provided in this
26 act.

27 (h) "Protective services" means services provided by the state or other
28 governmental agency or by private organizations or individuals which are
29 necessary to prevent abuse, neglect or exploitation. Such protective
30 services shall include, but shall not be limited to, evaluation of the need for
31 services, assistance in obtaining appropriate social services, and assistance
32 in securing medical and legal services.

33 (i) "Caretaker" means a person who has assumed the responsibility,
34 whether legally or not, for an adult's care or financial management or both.

35 (j) "Secretary" means the secretary of social and rehabilitation
36 services.

37 (k) "Report" means a description or accounting of an incident or
38 incidents of abuse, neglect or exploitation under this act and for the
39 purposes of this act shall not include any written assessment or findings.

40 (l) "Law enforcement" means the public office which is vested by law
41 with the duty to maintain public order, make arrests for crimes, investigate
42 criminal acts and file criminal charges, whether that duty extends to all
43 crimes or is limited to specific crimes.

1 (m) "Involved adult" means the adult who is the subject of a report of
2 abuse, neglect or exploitation under this act.

3 (n) "Legal representative," "financial institution" and "governmental
4 assistance provider" shall have the meanings ascribed thereto in K.S.A.
5 39-1401, and amendments thereto.

6 No person shall be considered to be abused, neglected or exploited or
7 in need of protective services for the sole reason that such person relies
8 upon spiritual means through prayer alone for treatment in accordance
9 with the tenets and practices of a recognized church or religious
10 denomination in lieu of medical treatment.

11 Sec. 6. K.S.A. 2013 Supp. 39-1504 is hereby amended to read as
12 follows: 39-1504. The secretary shall administer the adult family home
13 registration program in accordance with the following requirements:

14 (a) (1) The home shall meet health standards and safety regulations of
15 the community and the provisions of chapter 20 of the national fire
16 protection association, life safety code, pamphlet no. 101, 1981 edition.

17 (2) The home shall have a written plan to get persons out of the home
18 rapidly in case of fire, tornado or other emergency.

19 (3) No more than two clients shall be in residence at any one time.

20 (4) The home shall have adequate living and sleeping space for
21 clients.

22 (5) Each room shall have an operable outside window.

23 (6) Electric fans shall be made available to reduce the temperature if
24 there is no air conditioning. Rooms shall be heated, lighted, ventilated and
25 available.

26 (7) Sleeping rooms shall have space for personal items.

27 (8) Each client shall have a bed which is clean and in good condition.

28 (9) Lavatory and toilet facilities shall be accessible, available and in
29 working order.

30 (10) The kitchen shall be clean with appliances in good working
31 order.

32 (b) (1) A healthy and safe environment shall be maintained for
33 clients.

34 (2) There shall be a telephone in the home.

35 (3) The provider may assist a client with the taking of medications
36 when the medication is in a labeled bottle which clearly shows a
37 physician's orders or an advanced practice registered nurse's orders and
38 when the client requires assistance because of tremor, visual impairment,
39 or similar reasons due to health conditions. The provider may assist or
40 perform for the client such physical activities which do not require daily
41 supervision such as assistance with eating, bathing and dressing, help with
42 brace or walker and transferring from wheelchairs.

43 (4) There shall be no use of corporal punishment, restraints or

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- 1 punitive measures.
- 2 (5) The house shall be free from accumulated dirt, trash and vermin.
- 3 (6) Meals shall be planned and prepared for adequate nutrition, and
4 for diets if directed by a physician.
- 5 (c) (1) The provider shall be at least 18 years of age and in good
6 health at the time of initial application for registration. A written statement
7 must be received from a physician, nurse practitioner, or physician
8 assistant stating that the applicant and the members of the applicant's
9 household are free of any infectious or communicable disease or health
10 condition and are physically and mentally healthy. Such statements shall
11 be renewed every two years.
- 12 (2) The provider shall not be totally dependent on the income from
13 the clients for support of the provider or the provider's family.
- 14 (3) A criminal conviction shall not necessarily exclude registration as
15 an adult family home; but an investigation thereof will be made as part of
16 the determination of the suitability of the home.
- 17 (4) The provider shall be responsible for supervision at all times and
18 shall be in charge of the home and provision of care, or shall have a
19 responsible person on call. Any such substitute responsible person shall
20 meet the same requirements as the provider.
- 21 (5) The provider is responsible for encouraging the client to seek and
22 utilize available services when needed.
- 23 (6) The provider shall comply with the requirements of state and
24 federal regulations concerning civil rights and section 504 of the federal
25 rehabilitation act of 1973.
- 26 (7) The provider shall assure that clients have the privilege of privacy
27 as well as the right to see relatives, friends and participate in regular
28 community activities.
- 29 (8) The provider shall keep client information confidential. The use
30 or disclosure of any information concerning a client for any purpose is
31 prohibited except on written consent of the client or upon order of the
32 court.
- 33 (9) The provider shall maintain contact with an assigned social
34 worker and shall allow the secretary and authorized representatives of the
35 secretary access to the home and grounds and to the records related to
36 clients in residence.
- 37 (10) The provider shall inform the social worker immediately of any
38 unscheduled client absence from the home.
- 39 (11) The provider is responsible for helping clients maintain their
40 clothing.
- 41 (12) The provider shall furnish or help clients arrange for
42 transportation.
- 43 (13) The provider shall help a client arrange for emergency and

1 regular medical care when necessary.

2 (14) The provider shall submit any information relating to the
3 operation of the adult family home which is required by the secretary.

4 Sec. 7. K.S.A. 40-4602 is hereby amended to read as follows: 40-
5 4602. As used in this act:

6 (a) "Emergency medical condition" means the sudden and, at the
7 time, unexpected onset of a health condition that requires immediate
8 medical attention, where failure to provide medical attention would result
9 in serious impairment to bodily functions or serious dysfunction of a
10 bodily organ or part, or would place the person's health in serious jeopardy.

11 (b) "Emergency services" means ambulance services and health care
12 items and services furnished or required to evaluate and treat an
13 emergency medical condition, as directed or ordered by a physician *[or an*
14 *advanced practice registered nurse.]*

15 (c) "Health benefit plan" means any hospital or medical expense
16 policy, health, hospital or medical service corporation contract, a plan
17 provided by a municipal group-funded pool, a policy or agreement entered
18 into by a health insurer or a health maintenance organization contract
19 offered by an employer or any certificate issued under any such policies,
20 contracts or plans. "Health benefit plan" does not include policies or
21 certificates covering only accident, credit, dental, disability income, long-
22 term care, hospital indemnity, medicare supplement, specified disease,
23 vision care, coverage issued as a supplement to liability insurance,
24 insurance arising out of a workers compensation or similar law,
25 automobile medical-payment insurance, or insurance under which benefits
26 are payable with or without regard to fault and which is statutorily
27 required to be contained in any liability insurance policy or equivalent
28 self-insurance.

29 (d) "Health insurer" means any insurance company, nonprofit medical
30 and hospital service corporation, municipal group-funded pool, fraternal
31 benefit society, health maintenance organization, or any other entity which
32 offers a health benefit plan subject to the Kansas Statutes Annotated.

33 (e) "Insured" means a person who is covered by a health benefit plan.

34 (f) "Participating provider" means a provider who, under a contract
35 with the health insurer or with its contractor or subcontractor, has agreed to
36 provide one or more health care services to insureds with an expectation of
37 receiving payment, other than coinsurance, copayments or deductibles,
38 directly or indirectly from the health insurer.

39 (g) "Provider" means a physician, *[advanced practice registered*
40 *nurse,* hospital or other person which is licensed, accredited or certified to
41 perform specified health care services.

42 (h) "Provider network" means those participating providers who have
43 entered into a contract or agreement with a health insurer to provide items

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1 or health care services to individuals covered by a health benefit plan
2 offered by such health insurer.

3 (i) "Physician" means a person licensed by the state board of healing
4 arts to practice medicine and surgery.

5 Sec. 8. K.S.A. 59-2976 is hereby amended to read as follows: 59-
6 2976. (a) Medications and other treatments shall be prescribed, ordered
7 and administered only in conformity with accepted clinical practice.
8 Medication shall be administered only upon the written order of a
9 physician *or an advanced practice registered nurse* or upon a verbal order
10 noted in the patient's medical records and subsequently signed by the
11 physician *or an advanced practice registered nurse.* The attending
12 physician *or an advanced practice registered nurse* shall review regularly
13 the drug regimen of each patient under the physician's *or an advanced*
14 *practice registered nurse's* care and shall monitor any symptoms of
15 harmful side effects. Prescriptions for psychotropic medications shall be
16 written with a termination date not exceeding 30 days thereafter but may
17 be renewed.

18 (b) During the course of treatment the responsible physician,
19 *advanced practice registered nurse* or psychologist or such person's
20 designee shall reasonably consult with the patient, the patient's legal
21 guardian, or a minor patient's parent and give consideration to the views
22 the patient, legal guardian or parent expresses concerning treatment and
23 any alternatives. No medication or other treatment may be administered to
24 any voluntary patient without the patient's consent, or the consent of such
25 patient's legal guardian or of such patient's parent if the patient is a minor.

26 (c) Consent for medical or surgical treatments not intended primarily
27 to treat a patient's mental disorder shall be obtained in accordance with
28 applicable law.

29 (d) Whenever any patient is receiving treatment pursuant to K.S.A.
30 59-2954, 59-2958, 59-2959, 59-2964, 59-2966 or 59-2967, and
31 amendments thereto, and the treatment facility is administering to the
32 patient any medication or other treatment which alters the patient's mental
33 state in such a way as to adversely affect the patient's judgment or hamper
34 the patient in preparing for or participating in any hearing provided for by
35 this act, then two days prior to and during any such hearing, the treatment
36 facility may not administer such medication or other treatment unless such
37 medication or other treatment is necessary to sustain the patient's life or to
38 protect the patient or others. Prior to the hearing, a report of all such
39 medications or other treatment which have been administered to the
40 patient, along with a copy of any written consent(s) which the patient may
41 have signed, shall be submitted to the court. Counsel for the patient may
42 preliminarily examine the attending physician regarding the administration
43 of any medication to the patient within two days of the hearing with regard

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1 to the affect that medication may have had upon the patient's judgment or
2 ability to prepare for or participate in the hearing. On the basis thereof, if
3 the court determines that medication or other treatment has been
4 administered which adversely affects the patient's judgment or ability to
5 prepare for or participate in the hearing, the court may grant to the patient
6 a reasonable continuance in order to allow for the patient to be better able
7 to prepare for or participate in the hearing and the court shall order that
8 such medication or other treatment be discontinued until the conclusion of
9 the hearing, unless the court finds that such medication or other treatment
10 is necessary to sustain the patient's life or to protect the patient or others, in
11 which case the court shall order that the hearing proceed.

12 (e) Whenever a patient receiving treatment pursuant to K.S.A. 59-
13 2954, 59-2958, 59-2959, 59-2964, 59-2966 or 59-2967, and amendments
14 thereto, objects to taking any medication prescribed for psychiatric
15 treatment, and after full explanation of the benefits and risks of such
16 medication continues their objection, the medication may be administered
17 over the patient's objection; except that the objection shall be recorded in
18 the patient's medical record and at the same time written notice thereof
19 shall be forwarded to the medical director of the treatment facility or the
20 director's designee. Within five days after receiving such notice, excluding
21 Saturdays, Sundays and legal holidays, the medical director or designee
22 shall deliver to the patient and the patient's physician the medical director's
23 or designee's written decision concerning the administration of that
24 medication, and a copy of that decision shall be placed in the patient's
25 medical record.

26 (f) In no case shall experimental medication be administered without
27 the patient's consent, which consent shall be obtained in accordance with
28 subsection (a)(6) of K.S.A. 59-2978, and amendments thereto.

29 Sec. 9. K.S.A. 2013 Supp. 65-468 is hereby amended to read as
30 follows: 65-468. As used in K.S.A. 65-468 to 65-474, inclusive, and
31 amendments thereto:

32 (a) "Health care provider" means any person licensed or otherwise
33 authorized by law to provide health care services in this state or a
34 professional corporation organized pursuant to the professional
35 corporation law of Kansas by persons who are authorized by law to form
36 such corporation and who are health care providers as defined by this
37 subsection, or an officer, employee or agent thereof, acting in the course
38 and scope of employment or agency.

39 (b) "Member" means any hospital, emergency medical service, local
40 health department, home health agency, adult care home, medical clinic,
41 mental health center or clinic or nonemergency transportation system.

42 (c) "Mid-level practitioner" means a physician assistant or advanced
43 practice registered nurse who has entered into a written protocol with a

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1 rural health network physician.

2 (d) "Advanced practice registered nurse" means an advanced ✓
 3 practice registered nurse who is licensed pursuant to K.S.A. 65-1131, and ✓
 4 amendments thereto, and who has authority to prescribe drugs in ✓
 5 accordance with K.S.A. 65-1130, and amendments thereto. ✓

6 ✓(e) "Physician" means a person licensed to practice medicine and
 7 surgery.

8 ✓(e)(f) "Rural health network" means an alliance of members including
 9 at least one critical access hospital and at least one other hospital which
 10 has developed a comprehensive plan submitted to and approved by the
 11 secretary of health and environment regarding patient referral and transfer;
 12 the provision of emergency and nonemergency transportation among
 13 members; the development of a network-wide emergency services plan;
 14 and the development of a plan for sharing patient information and services
 15 between hospital members concerning medical staff credentialing, risk
 16 management, quality assurance and peer review.

17 ✓(f)(g) "Critical access hospital" means a member of a rural health
 18 network which makes available twenty-four hour emergency care services;
 19 provides not more than 25 acute care inpatient beds or in the case of a
 20 facility with an approved swing-bed agreement a combined total of
 21 extended care and acute care beds that does not exceed 25 beds; provides
 22 acute inpatient care for a period that does not exceed, on an annual average
 23 basis, 96 hours per patient; and provides nursing services under the
 24 direction of a licensed professional nurse and continuous licensed
 25 professional nursing services for not less than 24 hours of every day when
 26 any bed is occupied or the facility is open to provide services for patients
 27 unless an exemption is granted by the licensing agency pursuant to rules
 28 and regulations. The critical access hospital may provide any services
 29 otherwise required to be provided by a full-time, on-site dietician,
 30 pharmacist, laboratory technician, medical technologist and radiological
 31 technologist on a part-time, off-site basis under written agreements or
 32 arrangements with one or more providers or suppliers recognized under
 33 medicare. The critical access hospital may provide inpatient services by a
 34 physician assistant, ~~advanced practice registered nurse or a clinical nurse~~ ✓
 35 ~~specialist~~ subject to the oversight of a physician who need not be present
 36 in the facility *or by an advanced practice registered nurse*. In addition to
 37 the facility's 25 acute beds or swing beds, or both, the critical access
 38 hospital may have a psychiatric unit or a rehabilitation unit, or both. Each
 39 unit shall not exceed 10 beds and neither unit will count toward the 25-bed
 40 limit, nor will these units be subject to the average 96-hour length of stay
 41 restriction.

42 ✓(g)(h) "Hospital" means a hospital other than a critical access hospital
 43 which has entered into a written agreement with at least one critical access

1 hospital to form a rural health network and to provide medical or
2 administrative supporting services within the limit of the hospital's
3 capabilities.

4 Sec. 10. K.S.A. 2013 Supp. 65-1626 is hereby amended to read as
5 follows: 65-1626. For the purposes of this act:

6 (a) "Administer" means the direct application of a drug, whether by
7 injection, inhalation, ingestion or any other means, to the body of a patient
8 or research subject by:

- 9 (1) A practitioner or pursuant to the lawful direction of a practitioner;
10 (2) the patient or research subject at the direction and in the presence
11 of the practitioner; or
12 (3) a pharmacist as authorized in K.S.A. 65-1635a, and amendments
13 thereto.

14 (b) "Agent" means an authorized person who acts on behalf of or at
15 the direction of a manufacturer, distributor or dispenser but shall not
16 include a common carrier, public warehouseman or employee of the carrier
17 or warehouseman when acting in the usual and lawful course of the
18 carrier's or warehouseman's business.

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

23 (d) "Authorized distributor of record" means a wholesale distributor
24 with whom a manufacturer has established an ongoing relationship to
25 distribute the manufacturer's prescription drug. An ongoing relationship is
26 deemed to exist between such wholesale distributor and a manufacturer
27 when the wholesale distributor, including any affiliated group of the
28 wholesale distributor, as defined in section 1504 of the internal revenue
29 code, complies with any one of the following: (1) The wholesale
30 distributor has a written agreement currently in effect with the
31 manufacturer evidencing such ongoing relationship; and (2) the wholesale
32 distributor is listed on the manufacturer's current list of authorized
33 distributors of record, which is updated by the manufacturer on no less
34 than a monthly basis.

35 (e) "Board" means the state board of pharmacy created by K.S.A. 74-
36 1603, and amendments thereto.

37 (f) "Brand exchange" means the dispensing of a different drug
38 product of the same dosage form and strength and of the same generic
39 name as the brand name drug product prescribed.

40 (g) "Brand name" means the registered trademark name given to a
41 drug product by its manufacturer, labeler or distributor.

42 (h) "Chain pharmacy warehouse" means a permanent physical
43 location for drugs or devices, or both, that acts as a central warehouse and

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- 1 performs intracompany sales or transfers of prescription drugs or devices
2 to chain pharmacies that have the same ownership or control. Chain
3 pharmacy warehouses must be registered as wholesale distributors.
- 4 (i) "Co-licensee" means a pharmaceutical manufacturer that has
5 entered into an agreement with another pharmaceutical manufacturer to
6 engage in a business activity or occupation related to the manufacture or
7 distribution of a prescription drug and the national drug code on the drug
8 product label shall be used to determine the identity of the drug
9 manufacturer.
- 10 (j) "DEA" means the U.S. department of justice, drug enforcement
11 administration.
- 12 (k) "Deliver" or "delivery" means the actual, constructive or
13 attempted transfer from one person to another of any drug whether or not
14 an agency relationship exists.
- 15 (l) "Direct supervision" means the process by which the responsible
16 pharmacist shall observe and direct the activities of a pharmacy student or
17 pharmacy technician to a sufficient degree to assure that all such activities
18 are performed accurately, safely and without risk or harm to patients, and
19 complete the final check before dispensing.
- 20 (m) "Dispense" means to deliver prescription medication to the
21 ultimate user or research subject by or pursuant to the lawful order of a
22 practitioner or pursuant to the prescription of a mid-level practitioner.
- 23 (n) "Dispenser" means a practitioner or pharmacist who dispenses
24 prescription medication.
- 25 (o) "Distribute" means to deliver, other than by administering or
26 dispensing, any drug.
- 27 (p) "Distributor" means a person who distributes a drug.
- 28 (q) "Drop shipment" means the sale, by a manufacturer, that
29 manufacturer's co-licensee, that manufacturer's third party logistics
30 provider, or that manufacturer's exclusive distributor, of the manufacturer's
31 prescription drug, to a wholesale distributor whereby the wholesale
32 distributor takes title but not possession of such prescription drug and the
33 wholesale distributor invoices the pharmacy, the chain pharmacy
34 warehouse, or other designated person authorized by law to dispense or
35 administer such prescription drug, and the pharmacy, the chain pharmacy
36 warehouse, or other designated person authorized by law to dispense or
37 administer such prescription drug receives delivery of the prescription
38 drug directly from the manufacturer, that manufacturer's co-licensee, that
39 manufacturer's third party logistics provider, or that manufacturer's
40 exclusive distributor, of such prescription drug. Drop shipment shall be
41 part of the "normal distribution channel."
- 42 (r) "Drug" means: (1) Articles recognized in the official United States
43 pharmacopoeia, or other such official compendiums of the United States,

1 or official national formulary, or any supplement of any of them; (2)
2 articles intended for use in the diagnosis, cure, mitigation, treatment or
3 prevention of disease in man or other animals; (3) articles, other than food,
4 intended to affect the structure or any function of the body of man or other
5 animals; and (4) articles intended for use as a component of any articles
6 specified in clause (1), (2) or (3) of this subsection; but does not include
7 devices or their components, parts or accessories, except that the term
8 "drug" shall not include amygdalin (laetrile) or any livestock remedy, if
9 such livestock remedy had been registered in accordance with the
10 provisions of article 5 of chapter 47 of the Kansas Statutes Annotated,
11 prior to its repeal.

12 (s) "Durable medical equipment" means technologically sophisticated
13 medical devices that may be used in a residence, including the following:
14 (1) Oxygen and oxygen delivery system; (2) ventilators; (3) respiratory
15 disease management devices; (4) continuous positive airway pressure
16 (CPAP) devices; (5) electronic and computerized wheelchairs and seating
17 systems; (6) apnea monitors; (7) transcutaneous electrical nerve stimulator
18 (TENS) units; (8) low air loss cutaneous pressure management devices; (9)
19 sequential compression devices; (10) feeding pumps; (11) home
20 phototherapy devices; (12) infusion delivery devices; (13) distribution of
21 medical gases to end users for human consumption; (14) hospital beds;
22 (15) nebulizers; or (16) other similar equipment determined by the board
23 in rules and regulations adopted by the board.

24 (t) "Electronic prescription" means an electronically prepared
25 prescription that is authorized and transmitted from the prescriber to the
26 pharmacy by means of electronic transmission.

27 (u) "Electronic prescription application" means software that is used
28 to create electronic prescriptions and that is intended to be installed on the
29 prescriber's computers and servers where access and records are controlled
30 by the prescriber.

31 (v) "Electronic signature" means a confidential personalized digital
32 key, code, number or other method for secure electronic data transmissions
33 which identifies a particular person as the source of the message,
34 authenticates the signatory of the message and indicates the person's
35 approval of the information contained in the transmission.

36 (w) "Electronic transmission" means the transmission of an electronic
37 prescription, formatted as an electronic data file, from a prescriber's
38 electronic prescription application to a pharmacy's computer, where the
39 data file is imported into the pharmacy prescription application.

40 (x) "Electronically prepared prescription" means a prescription that is
41 generated using an electronic prescription application.

42 (y) "Exclusive distributor" means any entity that: (1) Contracts with a
43 manufacturer to provide or coordinate warehousing, wholesale distribution

1 or other services on behalf of a manufacturer and who takes title to that
2 manufacturer's prescription drug, but who does not have general
3 responsibility to direct the sale or disposition of the manufacturer's
4 prescription drug; (2) is registered as a wholesale distributor under the
5 pharmacy act of the state of Kansas; and (3) to be considered part of the
6 normal distribution channel, must be an authorized distributor of record.

7 (z) "Facsimile transmission" or "fax transmission" means the
8 transmission of a digital image of a prescription from the prescriber or the
9 prescriber's agent to the pharmacy. "Facsimile transmission" includes, but
10 is not limited to, transmission of a written prescription between the
11 prescriber's fax machine and the pharmacy's fax machine; transmission of
12 an electronically prepared prescription from the prescriber's electronic
13 prescription application to the pharmacy's fax machine, computer or
14 printer; or transmission of an electronically prepared prescription from the
15 prescriber's fax machine to the pharmacy's fax machine, computer or
16 printer.

17 (aa) "Generic name" means the established chemical name or official
18 name of a drug or drug product.

19 (bb) (1) "Institutional drug room" means any location where
20 prescription-only drugs are stored and from which prescription-only drugs
21 are administered or dispensed and which is maintained or operated for the
22 purpose of providing the drug needs of:

23 (A) Inmates of a jail or correctional institution or facility;

24 (B) residents of a juvenile detention facility, as defined by the revised
25 Kansas code for care of children and the revised Kansas juvenile justice
26 code;

27 (C) students of a public or private university or college, a community
28 college or any other institution of higher learning which is located in
29 Kansas;

30 (D) employees of a business or other employer; or

31 (E) persons receiving inpatient hospice services.

32 (2) "Institutional drug room" does not include:

33 (A) Any registered pharmacy;

34 (B) any office of a practitioner; or

35 (C) a location where no prescription-only drugs are dispensed and no
36 prescription-only drugs other than individual prescriptions are stored or
37 administered.

38 (cc) "Intermediary" means any technology system that receives and
39 transmits an electronic prescription between the prescriber and the
40 pharmacy.

41 (dd) "Intracompany transaction" means any transaction or transfer
42 between any division, subsidiary, parent or affiliated or related company
43 under common ownership or control of a corporate entity, or any

1 transaction or transfer between co-licensees of a co-licensed product.

2 (ee) "Medical care facility" shall have the meaning provided in
3 K.S.A. 65-425, and amendments thereto, except that the term shall also
4 include facilities licensed under the provisions of K.S.A. 75-3307b, and
5 amendments thereto, except community mental health centers and
6 facilities for people with intellectual disability.

7 (ff) "Manufacture" means the production, preparation, propagation,
8 compounding, conversion or processing of a drug either directly or
9 indirectly by extraction from substances of natural origin, independently
10 by means of chemical synthesis or by a combination of extraction and
11 chemical synthesis and includes any packaging or repackaging of the drug
12 or labeling or relabeling of its container, except that this term shall not
13 include the preparation or compounding of a drug by an individual for the
14 individual's own use or the preparation, compounding, packaging or
15 labeling of a drug by:

16 (1) A practitioner or a practitioner's authorized agent incident to such
17 practitioner's administering or dispensing of a drug in the course of the
18 practitioner's professional practice;

19 (2) a practitioner, by a practitioner's authorized agent or under a
20 practitioner's supervision for the purpose of, or as an incident to, research,
21 teaching or chemical analysis and not for sale; or

22 (3) a pharmacist or the pharmacist's authorized agent acting under the
23 direct supervision of the pharmacist for the purpose of, or incident to, the
24 dispensing of a drug by the pharmacist.

25 (gg) "Manufacturer" means a person licensed or approved by the
26 FDA to engage in the manufacture of drugs and devices.

27 (hh) "Mid-level practitioner" means ~~an advanced practice registered~~ ✓
28 ~~nurse issued a license pursuant to K.S.A. 65-1131, and amendments~~ ✓
29 ~~thereto, who has authority to prescribe drugs pursuant to a written protocol~~ ✓
30 ~~with a responsible physician under K.S.A. 65-1130, and amendments~~ ✓
31 ~~thereto, or a physician assistant licensed pursuant to the physician assistant~~
32 ~~licensure act who has authority to prescribe drugs pursuant to a written~~
33 ~~protocol with a responsible physician under K.S.A. 65-28a08, and~~
34 ~~amendments thereto.~~

35 (ii) "Normal distribution channel" means a chain of custody for a
36 prescription-only drug that goes from a manufacturer of the prescription-
37 only drug, from that manufacturer to that manufacturer's co-licensed
38 partner, from that manufacturer to that manufacturer's third-party logistics
39 provider, or from that manufacturer to that manufacturer's exclusive
40 distributor, directly or by drop shipment, to:

41 (1) A pharmacy to a patient or to other designated persons authorized
42 by law to dispense or administer such drug to a patient;

43 (2) a wholesale distributor to a pharmacy to a patient or other

- 1 designated persons authorized by law to dispense or administer such drug
2 to a patient;
- 3 (3) a wholesale distributor to a chain pharmacy warehouse to that
4 chain pharmacy warehouse's intracompany pharmacy to a patient or other
5 designated persons authorized by law to dispense or administer such drug
6 to a patient; or
- 7 (4) a chain pharmacy warehouse to the chain pharmacy warehouse's
8 intracompany pharmacy to a patient or other designated persons authorized
9 by law to dispense or administer such drug to a patient.
- 10 (jj) "Person" means individual, corporation, government,
11 governmental subdivision or agency, partnership, association or any other
12 legal entity.
- 13 (kk) "Pharmacist" means any natural person licensed under this act to
14 practice pharmacy.
- 15 (ll) "Pharmacist-in-charge" means the pharmacist who is responsible
16 to the board for a registered establishment's compliance with the laws and
17 regulations of this state pertaining to the practice of pharmacy,
18 manufacturing of drugs and the distribution of drugs. The pharmacist-in-
19 charge shall supervise such establishment on a full-time or a part-time
20 basis and perform such other duties relating to supervision of a registered
21 establishment as may be prescribed by the board by rules and regulations.
22 Nothing in this definition shall relieve other pharmacists or persons from
23 their responsibility to comply with state and federal laws and regulations.
- 24 (mm) "Pharmacist intern" means: (1) A student currently enrolled in
25 an accredited pharmacy program; (2) a graduate of an accredited pharmacy
26 program serving an internship; or (3) a graduate of a pharmacy program
27 located outside of the United States which is not accredited and who has
28 successfully passed equivalency examinations approved by the board.
- 29 (nn) "Pharmacy," "drugstore" or "apothecary" means premises,
30 laboratory, area or other place: (1) Where drugs are offered for sale where
31 the profession of pharmacy is practiced and where prescriptions are
32 compounded and dispensed; or (2) which has displayed upon it or within it
33 the words "pharmacist," "pharmaceutical chemist," "pharmacy,"
34 "apothecary," "drugstore," "druggist," "drugs," "drug sundries" or any of
35 these words or combinations of these words or words of similar import
36 either in English or any sign containing any of these words; or (3) where
37 the characteristic symbols of pharmacy or the characteristic prescription
38 sign "Rx" may be exhibited. As used in this subsection, premises refers
39 only to the portion of any building or structure leased, used or controlled
40 by the licensee in the conduct of the business registered by the board at the
41 address for which the registration was issued.
- 42 (oo) "Pharmacy prescription application" means software that is used
43 to process prescription information, is installed on a pharmacy's computers

1 or servers, and is controlled by the pharmacy.

2 (pp) "Pharmacy technician" means an individual who, under the
3 direct supervision and control of a pharmacist, may perform packaging,
4 manipulative, repetitive or other nondiscretionary tasks related to the
5 processing of a prescription or medication order and who assists the
6 pharmacist in the performance of pharmacy related duties, but who does
7 not perform duties restricted to a pharmacist.

8 (qq) "Practitioner" means a person licensed to practice medicine and
9 surgery, dentist, podiatrist, veterinarian, optometrist, *advanced practice* ✓
10 *registered nurse who is licensed pursuant to K.S.A. 65-1131, and* ✓
11 *amendments thereto, and who has authority to prescribe drugs in* ✓
12 *accordance with K.S.A. 65-1130, and amendments thereto, or scientific*
13 *investigator or other person authorized by law to use a prescription-only*
14 *drug in teaching or chemical analysis or to conduct research with respect*
15 *to a prescription-only drug.*

16 (rr) "Preceptor" means a licensed pharmacist who possesses at least
17 two years' experience as a pharmacist and who supervises students
18 obtaining the pharmaceutical experience required by law as a condition to
19 taking the examination for licensure as a pharmacist.

20 (ss) "Prescriber" means a practitioner or a mid-level practitioner.

21 (tt) "Prescription" or "prescription order" means: (1) An order to be
22 filled by a pharmacist for prescription medication issued and signed by a
23 prescriber in the authorized course of such prescriber's professional
24 practice; or (2) an order transmitted to a pharmacist through word of
25 mouth, note, telephone or other means of communication directed by such
26 prescriber, regardless of whether the communication is oral, electronic,
27 facsimile or in printed form.

28 (uu) "Prescription medication" means any drug, including label and
29 container according to context, which is dispensed pursuant to a
30 prescription order.

31 (vv) "Prescription-only drug" means any drug whether intended for
32 use by man or animal, required by federal or state law, including 21 U.S.C.
33 § 353, to be dispensed only pursuant to a written or oral prescription or
34 order of a practitioner or is restricted to use by practitioners only.

35 (ww) "Probation" means the practice or operation under a temporary
36 license, registration or permit or a conditional license, registration or
37 permit of a business or profession for which a license, registration or
38 permit is granted by the board under the provisions of the pharmacy act of
39 the state of Kansas requiring certain actions to be accomplished or certain
40 actions not to occur before a regular license, registration or permit is
41 issued.

42 (xx) "Professional incompetency" means:

43 (1) One or more instances involving failure to adhere to the

1 applicable standard of pharmaceutical care to a degree which constitutes
2 gross negligence, as determined by the board;

3 (2) repeated instances involving failure to adhere to the applicable
4 standard of pharmaceutical care to a degree which constitutes ordinary
5 negligence, as determined by the board; or

6 (3) a pattern of pharmacy practice or other behavior which
7 demonstrates a manifest incapacity or incompetence to practice pharmacy.

8 (yy) "Readily retrievable" means that records kept by automatic data
9 processing applications or other electronic or mechanized record-keeping
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 (zz) "Retail dealer" means a person selling at retail nonprescription
16 drugs which are prepackaged, fully prepared by the manufacturer or
17 distributor for use by the consumer and labeled in accordance with the
18 requirements of the state and federal food, drug and cosmetic acts. Such
19 nonprescription drugs shall not include: (1) A controlled substance; (2) a
20 prescription-only drug; or (3) a drug intended for human use by
21 hypodermic injection.

22 (aaa) "Secretary" means the executive secretary of the board.

23 (bbb) "Third party logistics provider" means an entity that: (1)
24 Provides or coordinates warehousing, distribution or other services on
25 behalf of a manufacturer, but does not take title to the prescription drug or
26 have general responsibility to direct the prescription drug's sale or
27 disposition; (2) is registered as a wholesale distributor under the pharmacy
28 act of the state of Kansas; and (3) to be considered part of the normal
29 distribution channel, must also be an authorized distributor of record.

30 (ccc) "Unprofessional conduct" means:

31 (1) Fraud in securing a registration or permit;

32 (2) intentional adulteration or mislabeling of any drug, medicine,
33 chemical or poison;

34 (3) causing any drug, medicine, chemical or poison to be adulterated
35 or mislabeled, knowing the same to be adulterated or mislabeled;

36 (4) intentionally falsifying or altering records or prescriptions;

37 (5) unlawful possession of drugs and unlawful diversion of drugs to
38 others;

39 (6) willful betrayal of confidential information under K.S.A. 65-1654,
40 and amendments thereto;

41 (7) conduct likely to deceive, defraud or harm the public;

42 (8) making a false or misleading statement regarding the licensee's
43 professional practice or the efficacy or value of a drug;

- 1 (9) commission of any act of sexual abuse, misconduct or
2 exploitation related to the licensee's professional practice; or
3 (10) performing unnecessary tests, examinations or services which
4 have no legitimate pharmaceutical purpose.
- 5 (ddd) "Vaccination protocol" means a written protocol, agreed to by a
6 pharmacist and a person licensed to practice medicine and surgery by the
7 state board of healing arts, which establishes procedures and
8 recordkeeping and reporting requirements for administering a vaccine by
9 the pharmacist for a period of time specified therein, not to exceed two
10 years.
- 11 (eee) "Valid prescription order" means a prescription that is issued for
12 a legitimate medical purpose by an individual prescriber licensed by law to
13 administer and prescribe drugs and acting in the usual course of such
14 prescriber's professional practice. A prescription issued solely on the basis
15 of an internet-based questionnaire or consultation without an appropriate
16 prescriber-patient relationship is not a valid prescription order.
- 17 (fff) "Veterinary medical teaching hospital pharmacy" means any
18 location where prescription-only drugs are stored as part of an accredited
19 college of veterinary medicine and from which prescription-only drugs are
20 distributed for use in treatment of or administration to a nonhuman.
- 21 (ggg) "Wholesale distributor" means any person engaged in
22 wholesale distribution of prescription drugs or devices in or into the state,
23 including, but not limited to, manufacturers, repackagers, own-label
24 distributors, private-label distributors, jobbers, brokers, warehouses,
25 including manufacturers' and distributors' warehouses, co-licensees,
26 exclusive distributors, third party logistics providers, chain pharmacy
27 warehouses that conduct wholesale distributions, and wholesale drug
28 warehouses, independent wholesale drug traders and retail pharmacies that
29 conduct wholesale distributions. Wholesale distributor shall not include
30 persons engaged in the sale of durable medical equipment to consumers or
31 patients.
- 32 (hhh) "Wholesale distribution" means the distribution of prescription
33 drugs or devices by wholesale distributors to persons other than consumers
34 or patients, and includes the transfer of prescription drugs by a pharmacy
35 to another pharmacy if the total number of units of transferred drugs
36 during a twelve-month period does not exceed 5% of the total number of
37 all units dispensed by the pharmacy during the immediately preceding
38 twelve-month period. Wholesale distribution does not include:
- 39 (1) The sale, purchase or trade of a prescription drug or device, an
40 offer to sell, purchase or trade a prescription drug or device or the
41 dispensing of a prescription drug or device pursuant to a prescription;
42 (2) the sale, purchase or trade of a prescription drug or device or an
43 offer to sell, purchase or trade a prescription drug or device for emergency

1 medical reasons;

2 (3) intracompany transactions, as defined in this section, unless in
3 violation of own use provisions;

4 (4) the sale, purchase or trade of a prescription drug or device or an
5 offer to sell, purchase or trade a prescription drug or device among
6 hospitals, chain pharmacy warehouses, pharmacies or other health care
7 entities that are under common control;

8 (5) the sale, purchase or trade of a prescription drug or device or the
9 offer to sell, purchase or trade a prescription drug or device by a charitable
10 organization described in 503(c)(3) of the internal revenue code of 1954 to
11 a nonprofit affiliate of the organization to the extent otherwise permitted
12 by law;

13 (6) the purchase or other acquisition by a hospital or other similar
14 health care entity that is a member of a group purchasing organization of a
15 prescription drug or device for its own use from the group purchasing
16 organization or from other hospitals or similar health care entities that are
17 members of these organizations;

18 (7) the transfer of prescription drugs or devices between pharmacies
19 pursuant to a centralized prescription processing agreement;

20 (8) the sale, purchase or trade of blood and blood components
21 intended for transfusion;

22 (9) the return of recalled, expired, damaged or otherwise non-salable
23 prescription drugs, when conducted by a hospital, health care entity,
24 pharmacy, chain pharmacy warehouse or charitable institution in
25 accordance with the board's rules and regulations;

26 (10) the sale, transfer, merger or consolidation of all or part of the
27 business of a retail pharmacy or pharmacies from or with another retail
28 pharmacy or pharmacies, whether accomplished as a purchase and sale of
29 stock or business assets, in accordance with the board's rules and
30 regulations;

31 (11) the distribution of drug samples by manufacturers' and
32 authorized distributors' representatives;

33 (12) the sale of minimal quantities of drugs by retail pharmacies to
34 licensed practitioners for office use; or

35 (13) the sale or transfer from a retail pharmacy or chain pharmacy
36 warehouse of expired, damaged, returned or recalled prescription drugs to
37 the original manufacturer, originating wholesale distributor or to a third
38 party returns processor in accordance with the board's rules and
39 regulations.

40 Sec. 11. K.S.A. 65-1660 is hereby amended to read as follows: 65-
41 1660. (a) Except as otherwise provided in this section, the provisions of
42 the pharmacy act of the state of Kansas shall not apply to dialysates,
43 devices or drugs which are designated by the board for the purposes of this

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1 section relating to treatment of a person with chronic kidney failure
2 receiving dialysis and which are prescribed or ordered by a physician, *an*
3 *advanced practice registered nurse* or a mid-level practitioner for
4 administration or delivery to a person with chronic kidney failure if:

5 (1) The wholesale distributor is registered with the board and
6 lawfully holds the drug or device; and

7 (2) the wholesale distributor: (A) Delivers the drug or device to: (i) A
8 person with chronic kidney failure for self-administration at the person's
9 home or specified address; (ii) a physician for administration or delivery to
10 a person with chronic kidney failure; or (iii) a medicare approved renal
11 dialysis facility for administering or delivering to a person with chronic
12 kidney failure; and (B) has sufficient and qualified supervision to
13 adequately protect the public health.

14 (b) The wholesale distributor pursuant to subsection (a) shall be
15 supervised by a pharmacist consultant pursuant to rules and regulations
16 adopted by the board.

17 (c) The board shall adopt such rules or regulations as are necessary to
18 effectuate the provisions of this section.

19 (d) As used in this section, "physician" means a person licensed to
20 practice medicine and surgery; "mid-level practitioner" means mid-level
21 practitioner as such term is defined ~~in subsection (ii) of~~ by K.S.A. 65-
22 1626, and amendments thereto; "*advanced practice registered nurse*"
23 *means an advanced practice registered nurse who is licensed pursuant to*
24 *K.S.A. 65-1131, and amendments thereto, and who has authority to*
25 *prescribe drugs in accordance with K.S.A. 65-1130, and amendments*
26 *thereto.*

27 (e) This section shall be part of and supplemental to the pharmacy act
28 of the state of Kansas.

29 Sec. 12. K.S.A. 2013 Supp. 65-1682 is hereby amended to read as
30 follows: 65-1682. As used in this act, unless the context otherwise
31 requires:

32 (a) "Board" means the state board of pharmacy.

33 (b) "Dispenser" means a practitioner or pharmacist who delivers a
34 scheduled substance or drug of concern to an ultimate user, but does not
35 include:

36 (1) A licensed hospital pharmacy that distributes such substances for
37 the purpose of inpatient hospital care;

38 (2) a medical care facility as defined in K.S.A. 65-425, and
39 amendments thereto, practitioner or other authorized person who
40 administers such a substance;

41 (3) a registered wholesale distributor of such substances;

42 (4) a veterinarian licensed by the Kansas board of veterinary
43 examiners who dispenses or prescribes a scheduled substance or drug of

1 concern; or

2 (5) a practitioner who has been exempted from the reporting
3 requirements of this act in rules and regulations promulgated by the board.

4 (c) "Drug of concern" means any drug that demonstrates a potential
5 for abuse and is designated as a drug of concern in rules and regulations
6 promulgated by the board.

7 (d) "Patient" means the person who is the ultimate user of a drug for
8 whom a prescription is issued or for whom a drug is dispensed, or both.

9 (e) "Pharmacist" means an individual currently licensed by the board
10 to practice the profession of pharmacy in this state.

11 (f) "Practitioner" means a person licensed to practice medicine and
12 surgery, dentist, podiatrist, optometrist, *advanced practice registered nurse* ✓
13 *who is licensed pursuant to K.S.A. 65-1131, and amendments thereto, and* ✓
14 *who has authority to prescribe drugs in accordance with K.S.A. 65-1130,*
15 *and amendments thereto, or other person authorized by law to prescribe or*
16 *dispense scheduled substances and drugs of concern.*

17 (g) "Scheduled substance" means controlled substances included in
18 schedules II, III or IV of the schedules designated in K.S.A. 65-4107, 65-
19 4109 and 65-4111, and amendments thereto, respectively, or the federal
20 controlled substances act (21 U.S.C. § 812).

21 Sec. 13. K.S.A. 2013 Supp. 65-2837a is hereby amended to read as
22 follows: 65-2837a. (a) It shall be unlawful for any person licensed to
23 practice medicine and surgery to prescribe, order, dispense, administer,
24 sell, supply or give *or for any person licensed as an advanced practice* ✓
25 *registered nurse* or for a mid-level practitioner as defined in subsection (ii) ✓
26 of by K.S.A. 65-1626, and amendments thereto, to prescribe, administer,
27 supply or give any amphetamine or sympathomimetic amine designated in
28 schedule II, III or IV under the uniform controlled substances act, except
29 as provided in this section. Failure to comply with this section by a
30 licensee shall constitute unprofessional conduct under K.S.A. 65-2837,
31 and amendments thereto.

32 (b) When any licensee prescribes, orders, dispenses, administers,
33 sells, supplies or gives or when *any advanced practice registered nurse or* ✓
34 *any mid-level practitioner as defined in subsection (ii) of by K.S.A. 65-*
35 *1626, and amendments thereto, prescribes, administers, sells, supplies or*
36 *gives any amphetamine or sympathomimetic amine designated in schedule*
37 *II, III or IV under the uniform controlled substances act, the patient's*
38 *medical record shall adequately document the purpose for which the drug*
39 *is being given. Such purpose shall be restricted to one or more of the*
40 *following:*

- 41 (1) The treatment of narcolepsy.
- 42 (2) The treatment of drug-induced brain dysfunction.
- 43 (3) The treatment of hyperkinesia.

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1 (4) The differential diagnostic psychiatric evaluation of depression.

2 (5) The treatment of depression shown by adequate medical records
3 and documentation to be unresponsive to other forms of treatment.

4 (6) The clinical investigation of the effects of such drugs or
5 compounds, in which case, before the investigation is begun, the licensee
6 shall, in addition to other requirements of applicable laws, apply for and
7 obtain approval of the investigation from the board of healing arts.

8 (7) The treatment of obesity with controlled substances, as may be
9 defined by rules and regulations adopted by the board of healing arts.

10 (8) The treatment of any other disorder or disease for which such
11 drugs or compounds have been found to be safe and effective by
12 competent scientific research which findings have been generally accepted
13 by the scientific community, in which case, the licensee before prescribing,
14 ordering, dispensing, administering, selling, supplying or giving the drug
15 or compound for a particular condition, or the licensee before authorizing
16 a mid-level practitioner to prescribe the drug or compound for a particular
17 condition, *or the advanced practice registered nurse before prescribing,*
18 *ordering, administering or giving the drug for a particular condition,* shall
19 obtain a determination from the board of healing arts that the drug or
20 compound can be used for that particular condition.

21 Sec. 14. K.S.A. 65-2892 is hereby amended to read as follows: 65-
22 2892. Any physician *or advanced practice registered nurse,* upon
23 consultation by any person under *eighteen (18) (18)* years of age as a
24 patient, may, with the consent of such person who is hereby granted the
25 right of giving such consent, make a diagnostic examination for venereal
26 disease and prescribe for and treat such person for venereal disease
27 including prophylactic treatment for exposure to venereal disease
28 whenever such person is suspected of having a venereal disease or contact
29 with anyone having a venereal disease. All such examinations and
30 treatment may be performed without the consent of, or notification to, the
31 parent, parents, guardian or any other person having custody of such
32 person. Any physician *or advanced practice registered nurse* examining or
33 treating such person for venereal disease may, but shall not be obligated to,
34 in accord with his opinion of what will be most beneficial for such person,
35 inform the spouse, parent, custodian, guardian or fiance of such person as
36 to the treatment given or needed without the consent of such person. Such
37 informing shall not constitute libel or slander or a violation of the right of
38 privacy or privilege or otherwise subject the physician *or advanced*
39 *practice registered nurse* to any liability whatsoever. In any such case, the
40 physician *or advanced practice registered nurse* shall incur no civil or
41 criminal liability by reason of having made such diagnostic examination or
42 rendered such treatment, but such immunity shall not apply to any
43 negligent acts or omissions. The physician *or advanced practice registered*

Now language
(1) dispensing
(2) selling
(3) supplying
and
(4) compound
was deleted

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1 nurse shall incur no civil or criminal liability by reason of any adverse
 2 reaction to medication administered, provided reasonable care has been
 3 taken to elicit from such person under ~~eighteen (18)~~ 18 years of age any
 4 history of sensitivity or previous adverse reaction to the medication.

5 Sec. 15. K.S.A. 2013 Supp. 65-2921 is hereby amended to read as
 6 follows: 65-2921. (a) Except as otherwise provided in subsection (d), a
 7 physical therapist may evaluate and initiate physical therapy treatment on
 8 a patient without referral from a licensed health care practitioner. If
 9 treating a patient without a referral from a licensed health care practitioner
 10 and the patient is not progressing toward documented treatment goals as
 11 demonstrated by objective, measurable or functional improvement, or any
 12 combination thereof, after 10 patient visits or in a period of 15 business
 13 days from the initial treatment visits following the initial evaluation visit,
 14 the physical therapist shall obtain a referral from an appropriate licensed
 15 health care practitioner prior to continuing treatment.

16 (b) Physical therapists may provide, without a referral, services to:
 17 (1) Employees solely for the purpose of education and instruction related
 18 to workplace injury prevention; or (2) the public for the purpose of fitness,
 19 health promotion and education.

20 (c) Physical therapists may provide services without a referral to
 21 special education students who need physical therapy services to fulfill the
 22 provisions of their individualized education plan (IEP) or individualized
 23 family service plan (IFSP).

24 (d) Nothing in this section shall be construed to prevent a hospital or
 25 ambulatory surgical center from requiring a physician order or referral for
 26 physical therapy services for a patient currently being treated in such
 27 facility.

28 (e) When a patient self-refers to a physical therapist pursuant to this
 29 section, the physical therapist, prior to commencing treatment, shall
 30 provide written notice to the patient that a physical therapy diagnosis is not
 31 a medical diagnosis by a physician.

32 (f) Physical therapists shall perform wound debridement services
 33 only after approval by a person licensed to practice medicine and surgery
 34 or other licensed health care practitioner in appropriately related cases.

35 (g) As used in this section, "licensed health care practitioner" means a
 36 person licensed to practice medicine and surgery, a licensed podiatrist, a
 37 licensed physician assistant ~~or a licensed advanced practice registered~~
 38 ~~nurse~~ working pursuant to the order or direction of a person licensed to
 39 practice medicine and surgery, a licensed chiropractor, a licensed dentist
 40 ~~or a licensed optometrist or a licensed advanced practice registered nurse~~
 41 in appropriately related cases.

42 Sec. 16. K.S.A. 2013 Supp. 65-4101 is hereby amended to read as
 43 follows: 65-4101. As used in this act: (a) "Administer" means the direct

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- 1 application of a controlled substance, whether by injection, inhalation,
2 ingestion or any other means, to the body of a patient or research subject
3 by:
- 4 (1) A practitioner or pursuant to the lawful direction of a practitioner;
5 or
6 (2) the patient or research subject at the direction and in the presence
7 of the practitioner.
- 8 (b) "Agent" means an authorized person who acts on behalf of or at
9 the direction of a manufacturer, distributor or dispenser. It does not include
10 a common carrier, public warehouseman or employee of the carrier or
11 warehouseman.
- 12 (c) "Application service provider" means an entity that sells
13 electronic prescription or pharmacy prescription applications as a hosted
14 service where the entity controls access to the application and maintains
15 the software and records on its server.
- 16 (d) "Board" means the state board of pharmacy.
- 17 (e) "Bureau" means the bureau of narcotics and dangerous drugs,
18 United States department of justice, or its successor agency.
- 19 (f) "Controlled substance" means any drug, substance or immediate
20 precursor included in any of the schedules designated in K.S.A. 65-4105,
21 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.
- 22 (g) (1) "Controlled substance analog" means a substance that is
23 intended for human consumption, and:
- 24 (A) The chemical structure of which is substantially similar to the
25 chemical structure of a controlled substance listed in or added to the
26 schedules designated in K.S.A. 65-4105 or 65-4107, and amendments
27 thereto;
- 28 (B) which has a stimulant, depressant or hallucinogenic effect on the
29 central nervous system substantially similar to the stimulant, depressant or
30 hallucinogenic effect on the central nervous system of a controlled
31 substance included in the schedules designated in K.S.A. 65-4105 or 65-
32 4107, and amendments thereto; or
- 33 (C) with respect to a particular individual, which such individual
34 represents or intends to have a stimulant, depressant or hallucinogenic
35 effect on the central nervous system substantially similar to the stimulant,
36 depressant or hallucinogenic effect on the central nervous system of a
37 controlled substance included in the schedules designated in K.S.A. 65-
38 4105 or 65-4107, and amendments thereto.
- 39 (2) "Controlled substance analog" does not include:
- 40 (A) A controlled substance;
- 41 (B) a substance for which there is an approved new drug application;
- 42 or
- 43 (C) a substance with respect to which an exemption is in effect for

1 investigational use by a particular person under section 505 of the federal
2 food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with
3 respect to the substance is permitted by the exemption.

4 (h) "Counterfeit substance" means a controlled substance which, or
5 the container or labeling of which, without authorization bears the
6 trademark, trade name or other identifying mark, imprint, number or
7 device or any likeness thereof of a manufacturer, distributor or dispenser
8 other than the person who in fact manufactured, distributed or dispensed
9 the substance.

10 (i) "Cultivate" means the planting or promotion of growth of five or
11 more plants which contain or can produce controlled substances.

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

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

17 (l) "Dispense" means to deliver a controlled substance to an ultimate
18 user or research subject by or pursuant to the lawful order of a practitioner,
19 including the packaging, labeling or compounding necessary to prepare the
20 substance for that delivery, or pursuant to the prescription of a mid-level
21 practitioner.

22 (m) "Dispenser" means a practitioner or pharmacist who dispenses.

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

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

26 (p) "Drug" means: (1) Substances recognized as drugs in the official
27 United States pharmacopoeia, official homeopathic pharmacopoeia of the
28 United States or official national formulary or any supplement to any of
29 them; (2) substances intended for use in the diagnosis, cure, mitigation,
30 treatment or prevention of disease in man or animals; (3) substances (other
31 than food) intended to affect the structure or any function of the body of
32 man or animals; and (4) substances intended for use as a component of any
33 article specified in clause (1), (2) or (3) of this subsection. It does not
34 include devices or their components, parts or accessories.

35 (q) "Immediate precursor" means a substance which the board has
36 found to be and by rule and regulation designates as being the principal
37 compound commonly used or produced primarily for use and which is an
38 immediate chemical intermediary used or likely to be used in the
39 manufacture of a controlled substance, the control of which is necessary to
40 prevent, curtail or limit manufacture.

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

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

5 (t) "Electronic signature" means a confidential personalized digital
6 key, code, number or other method for secure electronic data transmissions
7 which identifies a particular person as the source of the message,
8 authenticates the signatory of the message and indicates the person's
9 approval of the information contained in the transmission.

10 (u) "Electronic transmission" means the transmission of an electronic
11 prescription, formatted as an electronic data file, from a prescriber's
12 electronic prescription application to a pharmacy's computer, where the
13 data file is imported into the pharmacy prescription application.

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

16 (w) "Facsimile transmission" or "fax transmission" means the
17 transmission of a digital image of a prescription from the prescriber or the
18 prescriber's agent to the pharmacy. "Facsimile transmission" includes, but
19 is not limited to, transmission of a written prescription between the
20 prescriber's fax machine and the pharmacy's fax machine; transmission of
21 an electronically prepared prescription from the prescriber's electronic
22 prescription application to the pharmacy's fax machine, computer or
23 printer; or transmission of an electronically prepared prescription from the
24 prescriber's fax machine to the pharmacy's fax machine, computer or
25 printer.

26 (x) "Intermediary" means any technology system that receives and
27 transmits an electronic prescription between the prescriber and the
28 pharmacy.

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

30 (z) "Manufacture" means the production, preparation, propagation,
31 compounding, conversion or processing of a controlled substance either
32 directly or indirectly or by extraction from substances of natural origin or
33 independently by means of chemical synthesis or by a combination of
34 extraction and chemical synthesis and includes any packaging or
35 repackaging of the substance or labeling or relabeling of its container,
36 except that this term does not include the preparation or compounding of a
37 controlled substance by an individual for the individual's own lawful use
38 or the preparation, compounding, packaging or labeling of a controlled
39 substance:

40 (1) By a practitioner or the practitioner's agent pursuant to a lawful
41 order of a practitioner as an incident to the practitioner's administering or
42 dispensing of a controlled substance in the course of the practitioner's
43 professional practice; or

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

5 (aa) "Marijuana" means all parts of all varieties of the plant Cannabis
6 whether growing or not, the seeds thereof, the resin extracted from any
7 part of the plant and every compound, manufacture, salt, derivative,
8 mixture or preparation of the plant, its seeds or resin. It does not include
9 the mature stalks of the plant, fiber produced from the stalks, oil or cake
10 made from the seeds of the plant, any other compound, manufacture, salt,
11 derivative, mixture or preparation of the mature stalks, except the resin
12 extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant
13 which is incapable of germination.

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

16 (cc) "Mid-level practitioner" means ~~an advanced practice registered~~ ✓
17 ~~nurse issued a license pursuant to K.S.A. 65-1131, and amendments~~ ✓
18 ~~thereto, who has authority to prescribe drugs pursuant to a written protocol~~ ✓
19 ~~with a responsible physician under K.S.A. 65-1130, and amendments~~ ✓
20 ~~thereto,~~ or a physician assistant licensed under the physician assistant
21 licensure act who has authority to prescribe drugs pursuant to a written
22 protocol with a responsible physician under K.S.A. 65-28a08, and
23 amendments thereto.

24 (dd) "Narcotic drug" means any of the following whether produced
25 directly or indirectly by extraction from substances of vegetable origin or
26 independently by means of chemical synthesis or by a combination of
27 extraction and chemical synthesis:

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

30 (2) any salt, compound, isomer, derivative or preparation thereof
31 which is chemically equivalent or identical with any of the substances
32 referred to in clause (1) but not including the isoquinoline alkaloids of
33 opium;

34 (3) opium poppy and poppy straw;

35 (4) coca leaves and any salt, compound, derivative or preparation of
36 coca leaves, and any salt, compound, isomer, derivative or preparation
37 thereof which is chemically equivalent or identical with any of these
38 substances, but not including decocainized coca leaves or extractions of
39 coca leaves which do not contain cocaine or ecgonine.

40 (ee) "Opiate" means any substance having an addiction-forming or
41 addiction-sustaining liability similar to morphine or being capable of
42 conversion into a drug having addiction-forming or addiction-sustaining
43 liability. It does not include, unless specifically designated as controlled

1 under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer
2 of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does
3 include its racemic and levorotatory forms.

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

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

9 (hh) "Pharmacist" means any natural person licensed under K.S.A.
10 65-1625 et seq., to practice pharmacy.

11 (ii) "Pharmacist intern" means: (1) A student currently enrolled in an
12 accredited pharmacy program; (2) a graduate of an accredited pharmacy
13 program serving such person's internship; or (3) a graduate of a pharmacy
14 program located outside of the United States which is not accredited and
15 who had successfully passed equivalency examinations approved by the
16 board.

17 (ij) "Pharmacy prescription application" means software that is used
18 to process prescription information, is installed on a pharmacy's computers
19 and servers, and is controlled by the pharmacy.

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

22 (ll) "Practitioner" means a person licensed to practice medicine and
23 surgery, dentist, podiatrist, veterinarian, optometrist, *advanced practice* ✓
24 *registered nurse who is licensed pursuant to K.S.A. 65-1131, and* ✓
25 *amendments thereto, and who has authority to prescribe drugs in*
26 *accordance with* K.S.A. 65-1130, and amendments thereto, or scientific
27 investigator or other person authorized by law to use a controlled
28 substance in teaching or chemical analysis or to conduct research with
29 respect to a controlled substance.

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

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

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

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

1 Sec. 17. K.S.A. 2013 Supp. 65-4116 is hereby amended to read as
2 follows: 65-4116. (a) Every person who manufactures, distributes or
3 dispenses any controlled substance within this state or who proposes to
4 engage in the manufacture, distribution or dispensing of any controlled
5 substance within this state shall obtain annually a registration issued by the
6 board in accordance with the uniform controlled substances act and with
7 rules and regulations adopted by the board.
8 (b) Persons registered by the board under this act to manufacture,
9 distribute, dispense or conduct research with controlled substances may
10 possess, manufacture, distribute, dispense or conduct research with those
11 substances to the extent authorized by their registration and in conformity
12 with the other provisions of this act.
13 (c) The following persons need not register and may lawfully possess
14 controlled substances under this act, as specified in this subsection:
15 (1) An agent or employee of any registered manufacturer, distributor
16 or dispenser of any controlled substance if the agent or employee is acting
17 in the usual course of such agent or employee's business or employment;
18 (2) a common carrier or warehouseman or an employee thereof
19 whose possession of any controlled substance is in the usual course of
20 business or employment;
21 (3) an ultimate user or a person in possession of any controlled
22 substance pursuant to a lawful order of a practitioner or a mid-level
23 practitioner or in lawful possession of a schedule V substance;
24 (4) persons licensed and registered by the board under the provisions
25 of the acts contained in article 16 of chapter 65 of the Kansas Statutes
26 Annotated, and amendments thereto, to manufacture, dispense or distribute
27 drugs are considered to be in compliance with the registration provision of
28 the uniform controlled substances act without additional proceedings
29 before the board or the payment of additional fees, except that
30 manufacturers and distributors shall complete and file the application form
31 required under the uniform controlled substances act;
32 (5) any person licensed by the state board of healing arts under the
33 Kansas healing arts act;
34 (6) any person licensed by the state board of veterinary examiners;
35 (7) any person licensed by the Kansas dental board;
36 (8) a mid-level practitioner; ~~and~~ ✓
37 (9) any person who is a member of the Native American Church, with
38 respect to use or possession of peyote, whose use or possession of peyote
39 is in, or for use in, bona fide religious ceremonies of the Native American
40 Church, but nothing in this paragraph shall authorize the use or possession
41 of peyote in any place used for the confinement or housing of persons
42 arrested, charged or convicted of criminal offenses or in the state security
43 hospital; *and*

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1 (10) any person licensed as an advanced practice registered nurse ✓
2 under K.S.A. 65-1131, and amendments thereto, and who has authority to ✓
3 prescribe drugs in accordance with K.S.A. 65-1130, and amendments ✓
4 thereto.

5 (d) (1) The board may waive by rules and regulations the requirement
6 for registration of certain manufacturers, distributors or dispensers if the
7 board finds it consistent with the public health and safety, except that
8 licensure of any person by the state board of healing arts to practice any
9 branch of the healing arts, Kansas dental board ~~or~~, the state board of
10 veterinary examiners or the board of nursing of advanced practice ✓
11 registered nurses shall constitute compliance with the registration
12 requirements of the uniform controlled substances act by such person for
13 such person's place of professional practice.

14 (2) Evidence of abuse as determined by the board relating to a person
15 licensed by the state board of healing arts shall be submitted to the state
16 board of healing arts and the attorney general within 60 days. The state
17 board of healing arts shall, within 60 days, make findings of fact and take
18 such action against such person as it deems necessary. All findings of fact
19 and any action taken shall be reported by the state board of healing arts to
20 the board of pharmacy and the attorney general.

21 (3) Evidence of abuse as determined by the board relating to a person
22 licensed by the state board of veterinary examiners shall be submitted to
23 the state board of veterinary examiners and the attorney general within 60
24 days. The state board of veterinary examiners shall, within 60 days, make
25 findings of fact and take such action against such person as it deems
26 necessary. All findings of fact and any action taken shall be reported by the
27 state board of veterinary examiners to the board of pharmacy and the
28 attorney general.

29 (4) Evidence of abuse as determined by the board relating to a dentist
30 licensed by the Kansas dental board shall be submitted to the Kansas
31 dental board and the attorney general within 60 days. The Kansas dental
32 board shall, within 60 days, make findings of fact and take such action
33 against such dentist as it deems necessary. All findings of fact and any
34 action taken shall be reported by the Kansas dental board to the board of
35 pharmacy and the attorney general.

36 (5) Evidence of abuse as determined by the board relating to an ✓
37 advanced practice registered nurse licensed by the board of nursing shall ✓
38 be submitted to the board of nursing and the attorney general within 60 ✓
39 days. The board of nursing shall, within 60 days, make findings of fact and ✓
40 take such action against such advanced practice registered nurse as it ✓
41 deems necessary. All findings of fact and any action taken shall be ✓
42 reported by the board of nursing to the board of pharmacy and the ✓
43 attorney general. ✓

1 (e) A separate annual registration is required at each place of business
2 or professional practice where the applicant manufactures, distributes or
3 dispenses controlled substances.

4 (f) The board may inspect the establishment of a registrant or
5 applicant for registration in accordance with the board's rules and
6 regulations.

7 (g) (1) The registration of any person or location shall terminate when
8 such person or authorized representative of a location dies, ceases legal
9 existence, discontinues business or professional practice or changes the
10 location as shown on the certificate of registration. Any registrant who
11 ceases legal existence, discontinues business or professional practice, or
12 changes location as shown on the certificate of registration, shall notify the
13 board promptly of such fact and forthwith deliver the certificate of
14 registration directly to the secretary or executive secretary of the board. In
15 the event of a change in name or mailing address the person or authorized
16 representative of the location shall notify the board promptly in advance of
17 the effective date of this change by filing the change of name or mailing
18 address with the board. This change shall be noted on the original
19 application on file with the board.

20 (2) No registration or any authority conferred thereby shall be
21 assigned or otherwise transferred except upon such conditions as the board
22 may specifically designate and then only pursuant to the written consent of
23 the board.

24 Sec. 18. K.S.A. 65-4134 is hereby amended to read as follows: 65-
25 4134. A practitioner engaged in medical practice or research, a
26 practitioner who is an advanced practice registered nurse acting in the
27 usual course of such practitioner's practice or a mid-level practitioner
28 acting in the usual course of such mid-level practitioner's practice is not
29 required or compelled to furnish the name or identity of a patient or
30 research subject to the board, nor may such practitioner or mid-level
31 practitioner be compelled in any state or local civil, criminal,
32 administrative, legislative or other proceedings to furnish the name or
33 identity of an individual that the practitioner or mid-level practitioner is
34 obligated to keep confidential.

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35 Sec. 19. K.S.A. 2013 Supp. 65-4202 is hereby amended to read as
36 follows: 65-4202. As used in this act: (a) "Board" means the state board of
37 nursing.

was section 13

38 (b) The "practice of mental health technology" means the
39 performance, under the direction of a physician licensed to practice
40 medicine and surgery or registered professional nurse, of services in caring
41 for and treatment of the mentally ill, emotionally disturbed, or people with
42 intellectual disability for compensation or personal profit, which services:

43 (1) Involve responsible nursing and therapeutic procedures for

1 patients with mental illness or intellectual disability requiring interpersonal
 2 and technical skills in the observations and recognition of symptoms and
 3 reactions of such patients, the accurate recording of such symptoms and
 4 reactions and the carrying out of treatments and medications as prescribed
 5 by a licensed physician, *a licensed advanced practice registered nurse* or a
 6 mid-level practitioner as defined ~~in subsection (ii) of~~ *by* K.S.A. 65-1626,
 7 and amendments thereto; and

8 (2) require an application of techniques and procedures that involve
 9 understanding of cause and effect and the safeguarding of life and health
 10 of the patient and others; and

11 (3) require the performance of duties that are necessary to facilitate
 12 rehabilitation of the patient or are necessary in the physical, therapeutic
 13 and psychiatric care of the patient and require close work with persons
 14 licensed to practice medicine and surgery, psychiatrists, psychologists,
 15 rehabilitation therapists, social workers, registered nurses, and other
 16 professional personnel.

17 (c) A "licensed mental health technician" means a person who
 18 lawfully practices mental health technology as defined in this act.

19 (d) An "approved course in mental health technology" means a
 20 program of training and study including a basic curriculum which shall be
 21 prescribed and approved by the board in accordance with the standards
 22 prescribed herein, the successful completion of which shall be required
 23 before licensure as a mental health technician, except as hereinafter
 24 provided.

25 Sec. 20. K.S.A. 2013 Supp. 65-5402 is hereby amended to read as
 26 follows: 65-5402. As used in K.S.A. 65-5401 to 65-5417, inclusive, and
 27 K.S.A. 65-5418 to 65-5420, inclusive, and amendments thereto:

28 (a) "Board" means the state board of healing arts.

29 (b) "Practice of occupational therapy" means the therapeutic use of
 30 purposeful and meaningful occupations (goal-directed activities) to
 31 evaluate and treat, pursuant to the referral, supervision, order or direction
 32 of a physician, a licensed podiatrist, a licensed dentist, a licensed physician
 33 assistant, or a licensed advanced practice registered nurse ~~working~~ ✓
 34 ~~pursuant to the order or direction of a person licensed to practice medicine~~ ✓
 35 ~~and surgery~~, a licensed chiropractor, or a licensed optometrist, individuals
 36 who have a disease or disorder, impairment, activity limitation or
 37 participation restriction that interferes with their ability to function
 38 independently in daily life roles and to promote health and wellness.
 39 Occupational therapy intervention may include:

40 (1) Remediation or restoration of performance abilities that are
 41 limited due to impairment in biological, physiological, psychological or
 42 neurological cognitive processes;

43 (2) adaptation of tasks, process, or the environment or the teaching of

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1 compensatory techniques in order to enhance performance;
2 (3) disability prevention methods and techniques that facilitate the
3 development or safe application of performance skills; and
4 (4) health promotion strategies and practices that enhance
5 performance abilities.
6 (c) "Occupational therapy services" include, but are not limited to:
7 (1) Evaluating, developing, improving, sustaining, or restoring skills
8 in activities of daily living (ADL), work or productive activities, including
9 instrumental activities of daily living (IADL) and play and leisure
10 activities;
11 (2) evaluating, developing, remediating, or restoring sensorimotor,
12 cognitive or psychosocial components of performance;
13 (3) designing, fabricating, applying, or training in the use of assistive
14 technology or orthotic devices and training in the use of prosthetic devices;
15 (4) adapting environments and processes, including the application of
16 ergonomic principles, to enhance performance and safety in daily life
17 roles;
18 (5) applying physical agent modalities as an adjunct to or in
19 preparation for engagement in occupations;
20 (6) evaluating and providing intervention in collaboration with the
21 client, family, caregiver or others;
22 (7) educating the client, family, caregiver or others in carrying out
23 appropriate nonskilled interventions; and
24 (8) consulting with groups, programs, organizations or communities
25 to provide population-based services.
26 (d) "Occupational therapist" means a person licensed to practice
27 occupational therapy as defined in this act.
28 (e) "Occupational therapy assistant" means a person licensed to assist
29 in the practice of occupational therapy under the supervision of an
30 occupational therapist.
31 (f) "Person" means any individual, partnership, unincorporated
32 organization or corporation.
33 (g) "Physician" means a person licensed to practice medicine and
34 surgery.
35 (h) "Occupational therapy aide," "occupational therapy tech" or
36 "occupational therapy paraprofessional" means a person who provides
37 supportive services to occupational therapists and occupational therapy
38 assistants in accordance with K.S.A. 65-5419, and amendments thereto.
39 Sec. 21. K.S.A. 2013 Supp. 65-5418 is hereby amended to read as
40 follows: 65-5418. (a) Nothing in the occupational therapy practice act is
41 intended to limit, preclude or otherwise interfere with the practices of
42 other health care providers formally trained and licensed, registered,
43 credentialed or certified by appropriate agencies of the state of Kansas.

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- 1 (b) The practice of occupational therapy shall not be construed to
2 include the following:
- 3 (1) Persons rendering assistance in the case of an emergency;
 - 4 (2) members of any church practicing their religious tenets;
 - 5 (3) persons whose services are performed pursuant to the delegation
6 of and under the supervision of an occupational therapist who is licensed
7 under this act;
 - 8 (4) any person employed as an occupational therapist or occupational
9 therapy assistant by the government of the United States or any agency
10 thereof, if such person practices occupational therapy solely under the
11 direction or control of the organization by which such person is employed;
 - 12 (5) licensees under the healing arts act when licensed and practicing
13 in accordance with the provisions of law or persons performing services
14 pursuant to a delegation authorized under subsection (g) of K.S.A. 65-
15 2872, and amendments thereto;
 - 16 (6) dentists practicing their professions, when licensed and practicing
17 in accordance with the provisions of law;
 - 18 (7) nurses practicing their professions, when licensed and practicing
19 in accordance with the provisions of law or persons performing services
20 pursuant to the delegation of a licensed nurse under subsection (m) of
21 K.S.A. 65-1124, and amendments thereto;
 - 22 (8) health care providers who have been formally trained and are
23 practicing in accordance with the training or have received specific
24 training in one or more functions included in the occupational therapy
25 practice act pursuant to established educational protocols, or both;
 - 26 (9) any person pursuing a supervised course of study leading to a
27 degree or certificate in occupational therapy at an accredited or approved
28 educational program, if the person is designated by the title which clearly
29 indicates such person's status as a student or trainee;
 - 30 (10) any person fulfilling the supervised fieldwork experience
31 requirements as part of the experience necessary to meet the requirement
32 of the occupational therapy practice act;
 - 33 (11) self-care by a patient or gratuitous care by a friend or family
34 member who does not represent or hold oneself out to the public to be an
35 occupational therapist or an occupational therapy assistant;
 - 36 (12) optometrists practicing their profession when licensed and
37 practicing in accordance with the provisions of article 15 of chapter 65 of
38 the Kansas Statutes Annotated, and amendments thereto;
 - 39 (13) podiatrists practicing their profession when licensed and
40 practicing in accordance with the provisions of article 15 of chapter 65 of
41 the Kansas Statutes Annotated, and amendments thereto;
 - 42 (14) physical therapists practicing their profession when licensed and
43 practicing in accordance with K.S.A. 65-2901 et seq., and amendments

1 thereto;

2 (15) physician assistants practicing their profession when licensed
3 and practicing in accordance with the physician assistant licensure act;

4 (16) athletic trainers practicing their profession when licensed and
5 practicing in accordance with the athletic trainers licensure act;

6 (17) manufacturers of prosthetic devices;

7 (18) any person performing occupational therapy services, if these
8 services are performed for no more than 45 days in a calendar year in
9 association with an occupational therapist licensed under the occupational
10 therapy practice act so long as (A) the person is registered or licensed
11 under the laws of another state which has licensure requirements at least as
12 stringent as the licensure requirements of this act, or (B) the person meets
13 the requirements for certification as an occupational therapist registered
14 (OTR) or a certified occupational therapy assistant (COTA) established by
15 the national board for certification in occupational therapy (NBCOT).

16 (c) Any patient monitoring, assessment or other procedures designed
17 to evaluate the effectiveness of prescribed occupational therapy must be
18 performed by or pursuant to the delegation of a licensed occupational
19 therapist or other health care provider.

20 (d) Education related therapy services provided by an occupational
21 therapist to school systems or consultation regarding prevention,
22 ergonomics and wellness within the occupational therapy scope of practice
23 shall not require a referral, supervision, order or direction of a physician,
24 *an advanced practice registered nurse,* a licensed podiatrist, a licensed
25 dentist or a licensed optometrist. However, when in the course of
26 providing such services an occupational therapist reasonably believes that
27 an individual may have an underlying injury, illness, disease, disorder or
28 impairment, the occupational therapist shall refer the individual to a
29 physician, *an advanced practice registered nurse,* a licensed podiatrist, a
30 licensed dentist or a licensed optometrist, as appropriate.

31 (e) Nothing in the occupational therapy practice act shall be construed
32 to permit the practice of medicine and surgery. No statute granting
33 authority to licensees of the state board of healing arts shall be construed
34 to confer authority upon occupational therapists to engage in any activity
35 not conferred by the occupational therapy practice act.

36 (f) This section shall be part of and supplemental to the occupational
37 therapy practice act.

38 Sec. 22. K.S.A. 65-5502 is hereby amended to read as follows: 65-
39 5502. As used in K.S.A. 65-5501 to 65-5517, inclusive, and amendments
40 thereto:

41 (a) "Board" means the state board of healing arts.

42 (b) "Respiratory therapy" is a health care profession whose therapists
43 practice under the supervision of a qualified medical director and with the

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1 prescription of a licensed physician *or an advanced practice registered*
2 *nurse*) providing therapy, management, rehabilitation, respiratory
3 assessment and care of patients with deficiencies and abnormalities which
4 affect the pulmonary system and associated other systems functions. The
5 duties which may be performed by a respiratory therapist include:

6 (1) Direct and indirect respiratory therapy services that are safe,
7 aseptic, preventative and restorative to the patient.

8 (2) Direct and indirect respiratory therapy services, including but not
9 limited to, the administration of pharmacological and diagnostic and
10 therapeutic agents related to respiratory therapy procedures to implement a
11 treatment, disease prevention or pulmonary rehabilitative regimen
12 prescribed by a physician *or an advanced practice registered nurse.*

13 (3) Administration of medical gases, exclusive of general anesthesia,
14 aerosols, humidification and environmental control systems.

15 (4) Transcription and implementation of written or verbal orders of a
16 physician *or an advanced practice registered nurse* pertaining to the
17 practice of respiratory therapy.

18 (5) Implementation of respiratory therapy protocols as defined by the
19 medical staff of an institution or a qualified medical director or other
20 written protocol, changes in treatment pursuant to the written or verbal
21 orders of a physician *or an advanced practice registered nurse* or the
22 initiation of emergency procedures as authorized by written protocols.

23 (c) "Respiratory therapist" means a person who is licensed to practice
24 respiratory therapy as defined in this act.

25 (d) "Person" means any individual, partnership, unincorporated
26 organization or corporation.

27 (e) "Physician" means a person who is licensed by the board to
28 practice medicine and surgery.

29 (f) "Qualified medical director" means the medical director of any
30 inpatient or outpatient respiratory therapy service, department or home
31 care agency. The medical director shall be a physician who has interest and
32 knowledge in the diagnosis and treatment of respiratory problems. This
33 physician shall be responsible for the quality, safety and appropriateness of
34 the respiratory services provided and require that respiratory therapy be
35 ordered by a physician *or an advanced practice registered nurse* who has
36 medical responsibility for the patient. The medical director shall be readily
37 accessible to the respiratory therapy practitioner.

38 (g) *"Advanced practice registered nurse" means an advanced*
39 *practice registered nurse who is licensed pursuant to K.S.A. 65-1131, and*
40 *amendments thereto, and who has authority to prescribe drugs in*
41 *accordance with K.S.A. 65-1130, and amendments thereto.*

42 Sec. 23. K.S.A. 2013 Supp. 65-6112 is hereby amended to read as
43 follows: 65-6112. As used in this act:

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- 1 (a) "Administrator" means the executive director of the emergency
2 medical services board.
- 3 (b) "Advanced emergency medical technician" means a person who
4 holds an advanced emergency medical technician certificate issued
5 pursuant to this act.
- 6 (c) "Advanced practice registered nurse" means an advanced practice
7 registered nurse as defined in K.S.A. 65-1113, and amendments thereto.
- 8 (d) "Ambulance" means any privately or publicly owned motor
9 vehicle, airplane or helicopter designed, constructed, prepared, staffed and
10 equipped for use in transporting and providing emergency care for
11 individuals who are ill or injured.
- 12 (e) "Ambulance service" means any organization operated for the
13 purpose of transporting sick or injured persons to or from a place where
14 medical care is furnished, whether or not such persons may be in need of
15 emergency or medical care in transit.
- 16 (f) "Attendant" means a first responder, an emergency medical
17 responder, emergency medical technician, emergency medical technician-
18 intermediate, emergency medical technician-defibrillator, emergency
19 medical technician-intermediate/defibrillator, advanced emergency
20 medical technician, mobile intensive care technician or paramedic certified
21 pursuant to this act.
- 22 (g) "Board" means the emergency medical services board established
23 pursuant to K.S.A. 65-6102, and amendments thereto.
- 24 (h) "Emergency medical service" means the effective and coordinated
25 delivery of such care as may be required by an emergency which includes
26 the care and transportation of individuals by ambulance services and the
27 performance of authorized emergency care by a physician, advanced
28 practice registered nurse, professional nurse, a licensed physician assistant
29 or attendant.
- 30 (i) "Emergency medical technician" means a person who holds an
31 emergency medical technician certificate issued pursuant to this act.
- 32 (j) "Emergency medical technician-defibrillator" means a person who
33 holds an emergency medical technician-defibrillator certificate issued
34 pursuant to this act.
- 35 (k) "Emergency medical technician-intermediate" means a person
36 who holds an emergency medical technician-intermediate certificate issued
37 pursuant to this act.
- 38 (l) "Emergency medical technician-intermediate/defibrillator" means
39 a person who holds both an emergency medical technician-intermediate
40 and emergency medical technician-defibrillator certificate issued pursuant
41 to this act.
- 42 (m) "Emergency medical responder" means a person who holds an
43 emergency medical responder certificate issued pursuant to this act.

- 1 (n) "First responder" means a person who holds a first responder
2 certificate issued pursuant to this act.
- 3 (o) "Hospital" means a hospital as defined by K.S.A. 65-425, and
4 amendments thereto.
- 5 (p) "Instructor-coordinator" means a person who is certified under
6 this act to teach initial certification and continuing education classes.
- 7 (q) "Medical director" means a physician.
- 8 (r) "Medical protocols" mean written guidelines which authorize
9 attendants to perform certain medical procedures prior to contacting a
10 physician, physician assistant authorized by a physician, advanced practice
11 registered nurse ~~authorized by a physician~~ or professional nurse authorized
12 by a physician. The medical protocols shall be approved by a county
13 medical society or the medical staff of a hospital to which the ambulance
14 service primarily transports patients, or if neither of the above are able or
15 available to approve the medical protocols, then the medical protocols
16 shall be submitted to the medical advisory council for approval.
- 17 (s) "Mobile intensive care technician" means a person who holds a
18 mobile intensive care technician certificate issued pursuant to this act.
- 19 (t) "Municipality" means any city, county, township, fire district or
20 ambulance service district.
- 21 (u) "Nonemergency transportation" means the care and transport of a
22 sick or injured person under a foreseen combination of circumstances
23 calling for continuing care of such person. As used in this subsection,
24 transportation includes performance of the authorized level of services of
25 the attendant whether within or outside the vehicle as part of such
26 transportation services.
- 27 (v) "Operator" means a person or municipality who has a permit to
28 operate an ambulance service in the state of Kansas.
- 29 (w) "Paramedic" means a person who holds a paramedic certificate
30 issued pursuant to this act.
- 31 (x) "Person" means an individual, a partnership, an association, a
32 joint-stock company or a corporation.
- 33 (y) "Physician" means a person licensed by the state board of healing
34 arts to practice medicine and surgery.
- 35 (z) "Physician assistant" means a person who is licensed under the
36 physician assistant licensure act and who is acting under the direction of a
37 responsible physician.
- 38 (aa) "Professional nurse" means a licensed professional nurse as
39 defined by K.S.A. 65-1113, and amendments thereto.
- 40 (bb) "Provider of training" means a corporation, partnership,
41 accredited postsecondary education institution, ambulance service, fire
42 department, hospital or municipality that conducts training programs that
43 include, but are not limited to, initial courses of instruction and continuing

1 education for attendants, instructor-coordinators or training officers.

2 (cc) "Responsible physician" means responsible physician as such
3 term is defined under K.S.A. 65-28a02, and amendments thereto.

4 (dd) "Training officer" means a person who is certified pursuant to
5 this act to teach, coordinate or both, initial courses of instruction for first
6 responders or emergency medical responders and continuing education as
7 prescribed by the board.

8 Sec. 24. K.S.A. 2013 Supp. 65-6119 is hereby amended to read as
9 follows: 65-6119. (a) Notwithstanding any other provision of law, mobile
10 intensive care technicians may:

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New

11 (1) Perform all the authorized activities identified in K.S.A. 65-6120,
12 65-6121, 65-6123, 65-6144, and amendments thereto;

13 (2) when voice contact or a telemetered electrocardiogram is
14 monitored by a physician, physician assistant where authorized by a
15 physician, an advanced practice registered nurse ~~where authorized by a~~
16 ~~physician~~ or licensed professional nurse where authorized by a physician
17 and direct communication is maintained, and upon order of such person
18 may administer such medications or procedures as may be deemed
19 necessary by a person identified in subsection (a)(2);

20 (3) perform, during an emergency, those activities specified in
21 subsection (a)(2) before contacting a person identified in subsection (a)(2)
22 when specifically authorized to perform such activities by medical
23 protocols; and

24 (4) perform, during nonemergency transportation, those activities
25 specified in this section when specifically authorized to perform such
26 activities by medical protocols.

27 (b) An individual who holds a valid certificate as a mobile intensive
28 care technician once meeting the continuing education requirements
29 prescribed by the rules and regulations of the board, upon application for
30 renewal, shall be deemed to hold a certificate as a paramedic under this
31 act, and such individual shall not be required to file an original application
32 as a paramedic for certification under this act.

33 (c) "Renewal" as used in subsection (b), refers to the first opportunity
34 that a mobile intensive care technician has to apply for renewal of a
35 certificate following the effective date of this act.

36 (d) Upon transition notwithstanding any other provision of law, a
37 paramedic may:

38 (1) Perform all the authorized activities identified in K.S.A. 65-6120,
39 65-6121, 65-6144, and amendments thereto;

40 (2) when voice contact or a telemetered electrocardiogram is
41 monitored by a physician, physician assistant where authorized by a
42 physician or an advanced practice registered nurse ~~where authorized by a~~
43 ~~physician~~ or licensed professional nurse where authorized by a physician

1 and direct communication is maintained, and upon order of such person,
2 may administer such medications or procedures as may be deemed
3 necessary by a person identified in subsection (d)(2);

4 (3) perform, during an emergency, those activities specified in
5 subsection (d)(2) before contacting a person identified in subsection (d)(2)
6 when specifically authorized to perform such activities by medical
7 protocols; and

8 (4) perform, during nonemergency transportation, those activities
9 specified in this section when specifically authorized to perform such
10 activities by medical protocols.

11 Sec. 25. K.S.A. 2013 Supp. 65-6120 is hereby amended to read as
12 follows: 65-6120. (a) Notwithstanding any other provision of law to the
13 contrary, an emergency medical technician-intermediate may:

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25
New

14 (1) Perform any of the activities identified by K.S.A. 65-6121, and
15 amendments thereto;

16 (2) when approved by medical protocols or where voice contact by
17 radio or telephone is monitored by a physician, physician assistant where
18 authorized by a physician, advanced practice registered nurse ~~where~~
19 ~~authorized by a physician~~ or licensed professional nurse where authorized
20 by a physician, and direct communication is maintained, upon order of
21 such person, may perform veni-puncture for the purpose of blood sampling
22 collection and initiation and maintenance of intravenous infusion of saline
23 solutions, dextrose and water solutions or ringers lactate IV solutions,
24 endotracheal intubation and administration of nebulized albuterol;

25 (3) perform, during an emergency, those activities specified in
26 subsection (a)(2) before contacting the persons identified in subsection (a)

27 (2) when specifically authorized to perform such activities by medical
28 protocols; or

29 (4) perform, during nonemergency transportation, those activities
30 specified in this section when specifically authorized to perform such
31 activities by medical protocols.

32 (b) An individual who holds a valid certificate as an emergency
33 medical technician-intermediate once successfully completing the board
34 prescribed transition course, and validation of cognitive and psychomotor
35 competency as determined by rules and regulations of the board, may
36 apply to transition to become an advanced emergency medical technician.
37 Alternatively, upon application for renewal, such individual shall be
38 deemed to hold a certificate as an advanced emergency medical technician
39 under this act, provided such individual has completed all continuing
40 education hour requirements inclusive of the successful completion of a
41 transition course and such individual shall not be required to file an
42 original application for certification as an advanced emergency medical
43 technician under this act.

1 (c) "Renewal" as used in subsection (b), refers to the first or second
2 opportunity after December 31, 2011, that an emergency medical
3 technician-intermediate has to apply for renewal of a certificate.

4 (d) Emergency medical technician-intermediates who fail to meet the
5 transition requirements as specified may complete either the board
6 prescribed emergency medical technician transition course or emergency
7 medical responder transition course, provide validation of cognitive and
8 psychomotor competency and all continuing education hour requirements
9 inclusive of the successful completion of a transition course as determined
10 by rules and regulations of the board. Upon completion, such emergency
11 medical technician-intermediate may apply to transition to become an
12 emergency medical technician or an emergency medical responder,
13 depending on the transition course that was successfully completed.
14 Alternatively, upon application for renewal of an emergency medical
15 technician-intermediate certificate, the applicant shall be renewed as an
16 emergency medical technician or an emergency medical responder,
17 depending on the transition course that was successfully completed. Such
18 individual shall not be required to file an original application for
19 certification as an emergency medical technician or emergency medical
20 responder.

21 (e) Failure to successfully complete either an advanced emergency
22 medical technician transition course, an emergency medical technician
23 transition course or emergency medical responder transition course will
24 result in loss of certification.

25 (f) Upon transition, notwithstanding any other provision of law to the
26 contrary, an advanced emergency medical technician may:

27 (1) Perform any of the activities identified by K.S.A. 65-6121, and
28 amendments thereto; and

29 (2) perform any of the following interventions, by use of the devices,
30 medications and equipment, or any combination thereof, as specifically
31 identified in rules and regulations, after successfully completing an
32 approved course of instruction, local specialized device training and
33 competency validation and when authorized by medical protocols, or upon
34 order when direct communication is maintained by radio, telephone or
35 video conference with a physician, physician assistant where authorized by
36 a physician, an advanced practice registered nurse ~~where authorized by a~~
37 ~~physician,~~ or licensed professional nurse where authorized by a physician
38 upon order of such a person: (A) Continuous positive airway pressure
39 devices; (B) advanced airway management; (C) referral of patient of
40 alternate medical care site based on assessment; (D) transportation of a
41 patient with a capped arterial line; (E) veni-puncture for obtaining blood
42 sample; (F) initiation and maintenance of intravenous infusion or saline
43 lock; (G) initiation of intraosseous infusion; (H) nebulized therapy; (I)

1 course will result in loss of certification.

2 Sec. 26. K.S.A. 2013 Supp. 65-6121 is hereby amended to read as
3 follows: 65-6121. (a) Notwithstanding any other provision of law to the
4 contrary, an emergency medical technician may perform any of the
5 following activities:

- 6 (1) Patient assessment and vital signs;
7 (2) airway maintenance including the use of:
8 (A) Oropharyngeal and nasopharyngeal airways;
9 (B) esophageal obturator airways with or without gastric suction
10 device;
11 (C) multi-lumen airway; and
12 (D) oxygen demand valves.
13 (3) Oxygen therapy;
14 (4) oropharyngeal suctioning;
15 (5) cardiopulmonary resuscitation procedures;
16 (6) control accessible bleeding;
17 (7) apply pneumatic anti-shock garment;
18 (8) manage outpatient medical emergencies;
19 (9) extricate patients and utilize lifting and moving techniques;
20 (10) manage musculoskeletal and soft tissue injuries including
21 dressing and bandaging wounds or the splinting of fractures, dislocations,
22 sprains or strains;
23 (11) use of backboards to immobilize the spine;
24 (12) administer activated charcoal and glucose;
25 (13) monitor intravenous line delivering intravenous fluids during
26 interfacility transport with the following restrictions:
27 (A) The physician approves the transfer by an emergency medical
28 technician;
29 (B) no medications or nutrients have been added to the intravenous
30 fluids; and
31 (C) the emergency medical technician may monitor, maintain and
32 shut off the flow of intravenous fluid;
33 (14) use automated external defibrillators;
34 (15) administer epinephrine auto-injectors provided that:
35 (A) The emergency medical technician successfully completes a
36 course of instruction approved by the board in the administration of
37 epinephrine;
38 (B) the emergency medical technician serves with an ambulance
39 service or a first response organization that provides emergency medical
40 services; and
41 (C) the emergency medical technician is acting pursuant to medical
42 protocols;
43 (16) perform, during nonemergency transportation, those activities

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1 manual defibrillation and cardioversion; (J) cardiac monitoring; (K)
2 electrocardiogram interpretation; (L) administration of generic or trade
3 name medications by one or more of the following methods: (i)
4 Aerosolization; (ii) nebulization; (iii) intravenous; (iv) intranasal; (v)
5 rectal; (vi) subcutaneous; (vii) intraosseous; (viii) intramuscular; or (ix)
6 sublingual.

7 (g) An individual who holds a valid certificate as both an emergency
8 medical technician-intermediate and as an emergency medical technician-
9 defibrillator once successfully completing the board prescribed transition
10 course, and validation of cognitive and psychomotor competency as
11 determined by rules and regulations of the board, may apply to transition
12 to an advanced emergency medical technician. Alternatively, upon
13 application for renewal, such individual shall be deemed to hold a
14 certificate as an advanced emergency medical technician under this act,
15 provided such individual has completed all continuing education hour
16 requirements inclusive of successful completion of a transition course, and
17 such individual shall not be required to file an original application for
18 certification as an advanced emergency medical technician under this act.

19 (h) "Renewal" as used in subsection (g), refers to the first or second
20 opportunity after December 31, 2011, that an emergency medical
21 technician-intermediate and emergency medical technician-defibrillator
22 has to apply for renewal of a certificate.

23 (i) An individual who holds both an emergency medical technician-
24 intermediate certificate and an emergency medical technician-defibrillator
25 certificate, who fails to meet the transition requirements as specified may
26 complete either the board prescribed emergency medical technician
27 transition course or emergency medical responder transition course, and
28 provide validation of cognitive and psychomotor competency and all
29 continuing education hour requirements inclusive of successful completion
30 of a transition course as determined by rules and regulations of the board.
31 Upon completion, such individual may apply to transition to become an
32 emergency medical technician or emergency medical responder, depending
33 on the transition course that was successfully completed. Alternatively,
34 upon application for renewal of an emergency medical technician-
35 intermediate certificate and an emergency medical technician-defibrillator
36 certificate, the applicant shall be renewed as an emergency medical
37 technician or an emergency medical responder, depending on the transition
38 course that was successfully completed. Such individual shall not be
39 required to file an original application for certification as an emergency
40 medical technician or emergency medical responder.

41 (j) Failure to successfully complete either the advanced emergency
42 medical technician transition requirements, an emergency medical
43 technician transition course or the emergency medical responder transition

1 specified in this section when specifically authorized to perform such
2 activities by medical protocols; or

3 (17) when authorized by medical protocol, assist the patient in the
4 administration of the following medications which have been prescribed
5 for that patient: Auto-injection epinephrine, sublingual nitroglycerin and
6 inhalers for asthma and emphysema.

7 (b) An individual who holds a valid certificate as an emergency
8 medical technician at the current basic level once successfully completing
9 the board prescribed transition course, and validation of cognitive and
10 psychomotor competency as determined by rules and regulations of the
11 board, may apply to transition to become an emergency medical
12 technician. Alternatively, upon application for renewal, such individual
13 shall be deemed to hold a certificate as an emergency medical technician
14 under this act, provided such individual has completed all continuing
15 education hour requirements inclusive of successful completion of a
16 transition course, and such individual shall not be required to file an
17 original application for certification as an emergency medical technician.

18 (c) "Renewal" as used in subsection (b), refers to the first opportunity
19 after December 31, 2011, that an emergency medical technician has to
20 apply for renewal of a certificate following the effective date of this act.

21 (d) Emergency medical technicians who fail to meet the transition
22 requirements as specified may successfully complete the board prescribed
23 emergency medical responder transition course, provide validation of
24 cognitive and psychomotor competency and all continuing education hour
25 requirements inclusive of the successful completion of a transition course
26 as determined by rules and regulations of the board. Alternatively, upon
27 application for renewal of an emergency medical technician certificate, the
28 applicant shall be deemed to hold a certificate as an emergency medical
29 responder under this act, and such individual shall not be required to file
30 an original application for certification as an emergency medical
31 responder.

32 (e) Failure to successfully complete either an emergency medical
33 technician transition course or emergency medical responder transition
34 course will result in loss of certification.

35 (f) Upon transition, notwithstanding any other provision of law to the
36 contrary, an emergency medical technician may perform any activities
37 identified in K.S.A. 65-6144, and amendments thereto, and any of the
38 following interventions, by use of the devices, medications and equipment,
39 or any combination thereof, after successfully completing an approved
40 course of instruction, local specialized device training and competency
41 validation and when authorized by medical protocols, or upon order when
42 direct communication is maintained by radio, telephone or video
43 conference is monitored by a physician, physician assistant when

1 authorized by a physician, an advanced practice registered nurse ~~when~~
 2 ~~authorized by a physician~~ or a licensed professional nurse when authorized
 3 by a physician, upon order of such person:

- 4 (1) Airway maintenance including use of:
 - 5 (A) Single lumen airways as approved by the board;
 - 6 (B) multilumen airways;
 - 7 (C) ventilator devices;
 - 8 (D) forceps removal of airway obstruction;
 - 9 (E) CO2 monitoring;
 - 10 (F) airway suctioning;
- 11 (2) apply pneumatic anti-shock garment;
- 12 (3) assist with childbirth;
- 13 (4) monitoring urinary catheter;
- 14 (5) capillary blood sampling;
- 15 (6) cardiac monitoring;
- 16 (7) administration of patient assisted medications as approved by the
 17 board;
- 18 (8) administration of medications as approved by the board by
 19 appropriate routes; and
- 20 (9) monitor, maintain or discontinue flow of IV line if a physician
 21 approves transfer by an emergency medical technician.

22 Sec. 27. K.S.A. 2013 Supp. 65-6123 is hereby amended to read as
 23 follows: 65-6123. (a) Notwithstanding any other provision of law to the
 24 contrary, an emergency medical technician-defibrillator may:

- 25 (1) Perform any of the activities identified in K.S.A. 65-6121, and
 26 amendments thereto;
- 27 (2) when approved by medical protocols or where voice contact by
 28 radio or telephone is monitored by a physician, physician assistant where
 29 authorized by a physician, advanced practice registered nurse ~~where~~
 30 ~~authorized by a physician~~, or licensed professional nurse where authorized
 31 by a physician, and direct communication is maintained, upon order of
 32 such person, may perform electrocardiographic monitoring and
 33 defibrillation;
- 34 (3) perform, during an emergency, those activities specified in
 35 subsection (b) before contacting the persons identified in subsection (b)
 36 when specifically authorized to perform such activities by medical
 37 protocols; or
- 38 (4) perform, during nonemergency transportation, those activities
 39 specified in this section when specifically authorized to perform such
 40 activities by medical protocols.
- 41 (b) An individual who holds a valid certificate as an emergency
 42 medical technician-defibrillator once successfully completing an
 43 emergency medical technician-intermediate, initial course of instruction

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1 and the board prescribed transition course, and validation of cognitive and
2 psychomotor competency as determined by rules and regulations of the
3 board, may apply to transition to become an advanced emergency medical
4 technician. Alternatively, upon application for renewal, such individual
5 shall be deemed to hold a certificate as an advanced emergency medical
6 technician under this act, provided such individual has completed all
7 continuing education hour requirements inclusive of successful completion
8 of a transition course, and such individual shall not be required to file an
9 original application for certification as an advanced emergency medical
10 technician.

11 (c) "Renewal" as used in subsection (b), refers to the second
12 opportunity after December 31, 2011, that an attendant has to apply for
13 renewal of a certificate.

14 (d) Emergency medical technician-defibrillator attendants who fail to
15 meet the transition requirements as specified may complete either the
16 board prescribed emergency medical technician transition course or
17 emergency medical responder transition course, provide validation of
18 cognitive and psychomotor competency provided such individual has
19 completed all continuing education hour requirements inclusive of the
20 successful completion of a transition course as determined by rules and
21 regulations of the board. Upon completion, such emergency medical
22 technician-defibrillator may apply to transition to become an emergency
23 medical technician or an emergency medical responder, depending on the
24 transition course that was successfully completed. Alternatively, upon
25 application for renewal of an emergency medical technician-defibrillator
26 certificate, the applicant shall be renewed as an emergency medical
27 technician or an emergency medical responder, depending on the transition
28 course that was successfully completed. Such individual shall not be
29 required to file an original application for certification as an emergency
30 medical technician or emergency medical responder.

31 (e) Failure to complete either the advanced emergency medical
32 technician transition requirements, an emergency medical technician
33 transition course or an emergency medical responder transition course will
34 result in loss of certification.

35 Sec. 28. K.S.A. 2013 Supp. 65-6124 is hereby amended to read as
36 follows: 65-6124. (a) No physician, physician assistant, advanced practice
37 registered nurse or licensed professional nurse, who gives emergency
38 instructions to an attendant as defined by K.S.A. 65-6112, and
39 amendments thereto, during an emergency, shall be liable for any civil
40 damages as a result of issuing the instructions, except such damages which
41 may result from gross negligence in giving such instructions.

42 (b) No attendant as defined by K.S.A. 65-6112, and amendments
43 thereto, who renders emergency care during an emergency pursuant to

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1 instructions given by a physician, *[an advanced practice registered nurse,*
2 the responsible physician for a physician assistant, ~~advanced practice~~
3 ~~registered nurse~~ or licensed professional nurse shall be liable for civil
4 damages as a result of implementing such instructions, except such
5 damages which may result from gross negligence or by willful or wanton
6 acts or omissions on the part of such attendant as defined by K.S.A. 65-
7 6112, and amendments thereto.

8 (c) No person certified as an instructor-coordinator and no training
9 officer shall be liable for any civil damages which may result from such
10 instructor-coordinator's or training officer's course of instruction, except
11 such damages which may result from gross negligence or by willful or
12 wanton acts or omissions on the part of the instructor-coordinator or
13 training officer.

14 (d) No medical adviser who reviews, approves and monitors the
15 activities of attendants shall be liable for any civil damages as a result of
16 such review, approval or monitoring, except such damages which may
17 result from gross negligence in such review, approval or monitoring.

18 Sec. 29. K.S.A. 2013 Supp. 65-6144 is hereby amended to read as
19 follows: 65-6144. (a) A first responder may perform any of the following
20 activities:

- 21 (1) Initial scene management including, but not limited to, gaining
22 access to the individual in need of emergency care, extricating, lifting and
23 moving the individual;
24 (2) cardiopulmonary resuscitation and airway management;
25 (3) control of bleeding;
26 (4) extremity splinting excluding traction splinting;
27 (5) stabilization of the condition of the individual in need of
28 emergency care;
29 (6) oxygen therapy;
30 (7) use of oropharyngeal airways;
31 (8) use of bag valve masks;
32 (9) use automated external defibrillators; and
33 (10) other techniques of preliminary care a first responder is trained
34 to provide as approved by the board.

35 (b) An individual who holds a valid certificate as a first responder,
36 once completing the board prescribed transition course, and validation of
37 cognitive and psychomotor competency as determined by rules and
38 regulations of the board, may apply to transition to become an emergency
39 medical responder. Alternatively, upon application for renewal of such
40 certificate, such individual shall be deemed to hold a certificate as an
41 emergency medical responder under this act, provided such individual has
42 completed all continuing education hour requirements inclusive of a
43 transition course and such individual shall not be required to file an

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1 original application for certification as an emergency medical responder.

2 (c) "Renewal" as used in subsection (b), refers to the first opportunity
3 after December 31, 2011, that an attendant has to apply for renewal of a
4 certificate.

5 (d) First responder attendants who fail to meet the transition
6 requirements as specified will forfeit their certification.

7 (e) Upon transition, notwithstanding any other provision of law to the
8 contrary, an emergency medical responder may perform any of the
9 following interventions, by use of the devices, medications and equipment,
10 or any combination thereof, after successfully completing an approved
11 course of instruction, local specialized device training and competency
12 validation and when authorized by medical protocols, or upon order when
13 direct communication is maintained by radio, telephone or video
14 conference is monitored by a physician, physician assistant when
15 authorized by a physician, an advanced practice registered nurse ~~when~~
16 ~~authorized by a physician~~ or a licensed professional nurse when authorized
17 by a physician, upon order of such person: (1) Emergency vehicle
18 operations; (2) initial scene management; (3) patient assessment and
19 stabilization; (4) cardiopulmonary resuscitation and airway management;
20 (5) control of bleeding; (6) extremity splinting; (7) spinal immobilization;
21 (8) oxygen therapy; (9) use of bag-valve-mask; (10) use of automated
22 external defibrillator; (11) nebulizer therapy; (12) intramuscular injections
23 with auto-injector; (13) administration of oral glucose; (14) administration
24 of aspirin; (15) recognize and comply with advanced directives; (16)
25 insertion and maintenance of oral and nasal pharyngeal airways; (17) use
26 of blood glucose monitoring; and (18) other techniques and devices of
27 preliminary care an emergency medical responder is trained to provide as
28 approved by the board.

29 Sec. 30. K.S.A. 2013 Supp. 65-7003 is hereby amended to read as
30 follows: 65-7003. As used in K.S.A. 65-7001 through 65-7015, and
31 amendments thereto:

- 32 (a) "Act" means the Kansas chemical control act;
- 33 (b) "administer" means the application of a regulated chemical
34 whether by injection, inhalation, ingestion or any other means, directly
35 into the body of a patient or research subject, such administration to be
36 conducted by: (1) A practitioner, or in the practitioner's presence, by such
37 practitioner's authorized agent; or
38 (2) the patient or research subject at the direction and in the presence
39 of the practitioner;
- 40 (c) "agent or representative" means a person who is authorized to
41 receive, possess, manufacture or distribute or in any other manner control
42 or has access to a regulated chemical on behalf of another person;
- 43 (d) "bureau" means the Kansas bureau of investigation;

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1 (e) "department" means the Kansas department of health and
2 environment;

3 (f) "director" means the director of the Kansas bureau of
4 investigation;

5 (g) "dispense" means to deliver a regulated chemical to an ultimate
6 user, patient or research subject by, or pursuant to the lawful order of, a
7 practitioner, including the prescribing, administering, packaging, labeling
8 or compounding necessary to prepare the regulated chemical for that
9 delivery;

10 (h) "distribute" means to deliver other than by administering or
11 dispensing a regulated chemical;

12 (i) "manufacture" means to produce, prepare, propagate, compound,
13 convert or process a regulated chemical directly or indirectly, by extraction
14 from substances of natural origin, chemical synthesis or a combination of
15 extraction and chemical synthesis, and includes packaging or repackaging
16 of the substance or labeling or relabeling of its container. The term
17 excludes the preparation, compounding, packaging, repackaging, labeling
18 or relabeling of a regulated chemical:

19 (1) By a practitioner as an incident to the practitioner's administering
20 or dispensing of a regulated chemical in the course of the practitioner's
21 professional practice; or

22 (2) by a practitioner, or by the practitioner's authorized agent under
23 the practitioner's supervision, for the purpose of, or as an incident to
24 research, teaching or chemical analysis and not for sale;

25 (j) "person" means individual, corporation, business trust, estate,
26 trust, partnership, association, joint venture, government, governmental
27 subdivision or agency, or any other legal or commercial entity;

28 (k) "practitioner" means a person licensed to practice medicine and
29 surgery, pharmacist, dentist, podiatrist, veterinarian, optometrist, *advanced*
30 *practice registered nurse who is licensed pursuant to K.S.A. 65-1131, and*
31 *amendments thereto, and who has authority to prescribe drugs in*
32 *accordance with K.S.A. 65-1130, and amendments thereto,* or scientific
33 investigator or other person authorized by law to use a controlled
34 substance in teaching or chemical analysis or to conduct research with
35 respect to a controlled substance;

36 (l) "regulated chemical" means a chemical that is used directly or
37 indirectly to manufacture a controlled substance or other regulated
38 chemical, or is used as a controlled substance analog, in violation of the
39 state controlled substances act or this act. The fact that a chemical may be
40 used for a purpose other than the manufacturing of a controlled substance
41 or regulated chemical does not exempt it from the provisions of this act.
42 Regulated chemical includes:

43 (1) Acetic anhydride (CAS No. 108-24-7);

- 1 (2) benzaldehyde (CAS No. 100-52-7);
2 (3) benzyl chloride (CAS No. 100-44-7);
3 (4) benzyl cyanide (CAS No. 140-29-4);
4 (5) diethylamine and its salts (CAS No. 109-89-7);
5 (6) ephedrine, its salts, optical isomers and salts of optical isomers
6 (CAS No. 299-42-3), except products containing ephedra or ma huang,
7 which do not contain any chemically synthesized ephedrine alkaloids, and
8 are lawfully marketed as dietary supplements under federal law;
9 (7) hydriodic acid (CAS No. 10034-85-2);
10 (8) iodine (CAS No. 7553-56-2);
11 (9) lithium (CAS No. 7439-93-2);
12 (10) methylamine and its salts (CAS No. 74-89-5);
13 (11) nitroethane (CAS No. 79-24-3);
14 (12) chloroephedrine, its salts, optical isomers, and salts of optical
15 isomers (CAS No. 30572-91-9);
16 (13) phenylacetic acid, its esters and salts (CAS No. 103-82-2);
17 (14) phenylpropanolamine, its salts, optical isomers, and salts of
18 optical isomers (CAS No. 14838-15-4);
19 (15) piperidine and its salts (CAS No. 110-89-4);
20 (16) pseudoephedrine, its salts, optical isomers, and salts of optical
21 isomers (CAS No. 90-82-4);
22 (17) red phosphorous (CAS No. 7723-14-0);
23 (18) sodium (CAS No. 7440-23-5); and
24 (19) thionylchloride (CAS No. 7719-09-7);
25 (20) gamma butyrolactone (GBL), including butyrolactone;
26 butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone dihydro; dihydro-
27 2(3H)-furanone; tetrahydro-2-furanone; 1,2-butanolide; 1,4-butanolide; 4-
28 butanolide; gamma-hydroxybutyric acid lactone; 3-hydroxybutyric acid
29 lactone and 4-hydroxybutanoic acid lactone; CAS No. 96-48-0; and
30 (21) 1,4 butanediol, including butanediol; butane-1,4-diol; 1,4-
31 butylene glycol; butylene glycol; 1,4-dihydroxybutane; 1,4-tetramethylene
32 glycol; tetramethylene glycol; tetramethylene 1,4-diol; CAS No. 110-63-4;
33 (m) "regulated chemical distributor" means any person subject to the
34 provisions of the Kansas chemical control act who manufactures or
35 distributes a regulated chemical;
36 (n) "regulated chemical retailer" means any person who sells
37 regulated chemicals directly to the public;
38 (o) "regulated chemical transaction" means the manufacture of a
39 regulated chemical or the distribution, sale, exchange or other transfer of a
40 regulated chemical within or into the state or from this state into another
41 state; and
42 (p) "secretary" means the secretary of health and environment.
43 Sec. 31. K.S.A. 2013 Supp. 65-7302 is hereby amended to read as

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1 follows: 65-7302. As used in this act:

2 (a) "Board" means the state board of healing arts.

3 (b) "Ionizing radiation" means x-rays, gamma rays, alpha and beta
4 particles, high speed electrons, protons, neutrons and other nuclear
5 particles capable of producing ions directly or indirectly in its passage
6 through matter.

7 (c) "License" means a certificate issued by the board authorizing the
8 licensee to perform radiologic technology procedures on humans for
9 diagnostic or therapeutic purposes.

10 (d) "Licensed practitioner" means a person licensed to practice
11 medicine and surgery, dentistry, podiatry ~~or~~ chiropractic ~~or~~ *advanced*
12 *practice registered nursing* in this state.

13 (e) "Licensure" and "licensing" mean a method of regulation by
14 which the state grants permission to persons who meet predetermined
15 qualifications to engage in a health related occupation or profession.

16 (f) "Nuclear medicine technologist" means a person who uses radio
17 pharmaceutical agents on humans for diagnostic or therapeutic purposes.

18 (g) "Nuclear medicine technology" means the use of radio nuclides
19 on human beings for diagnostic or therapeutic purposes.

20 (h) "Radiation therapist" means a person who applies radiation to
21 humans for therapeutic purposes.

22 (i) "Radiation therapy" means the use of any radiation procedure or
23 article intended for the cure, mitigation or prevention of disease in
24 humans.

25 (j) "Radiographer" means a person who applies radiation to humans
26 for diagnostic purposes.

27 (k) "Radiography" means the use of ionizing radiation on human
28 beings for diagnostic purposes.

29 (l) "Radiologic technologist" means any person who is a
30 radiographer, radiation therapist or nuclear medicine technologist.

31 (m) "Radiologic technology" means the use of radioactive substance
32 or equipment emitting or detecting ionizing radiation on humans for
33 diagnostic or therapeutic purposes upon prescription of a licensed
34 practitioner. The term includes the practice of radiography, nuclear
35 medicine technology and radiation therapy, but does not include
36 echocardiography, diagnostic sonography and magnetic resonance
37 imaging.

38 (n) This section shall take effect on and after July 1, 2005.

39 Sec. 32. K.S.A. 2013 Supp. 72-5213 is hereby amended to read as
40 follows: 72-5213. (a) Every board of education shall require all employees
41 of the school district, who come in regular contact with the pupils of the
42 school district, to submit a certification of health on a form prescribed by
43 the secretary of health and environment and signed by a person licensed to

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1 practice medicine and surgery under the laws of any state, or by a person
2 who is licensed as a physician assistant under the laws of this state when
3 such person is working at the direction of or in collaboration with a person
4 licensed to practice medicine and surgery, or by a person holding a license
5 to practice as an advanced practice registered nurse under the laws of this
6 state ~~when such person is working at the direction of or in collaboration~~ ✓
7 ~~with a person licensed to practice medicine and surgery~~. The certification
8 shall include a statement that there is no evidence of a physical condition
9 that would conflict with the health, safety, or welfare of the pupils; and
10 that freedom from tuberculosis has been established by chest x-ray or
11 negative tuberculin skin test. If at any time there is reasonable cause to
12 believe that any such employee of the school district is suffering from an
13 illness detrimental to the health of the pupils, the school board may require
14 a new certification of health.

15 (b) Upon presentation of a signed statement by the employee of a
16 school district, to whom the provisions of subsection (a) apply, that the
17 employee is an adherent of a religious denomination whose religious
18 teachings are opposed to physical examinations, the employee shall be
19 permitted to submit, as an alternative to the certification of health required
20 under subsection (a), certification signed by a person licensed to practice
21 medicine and surgery under the laws of any state, or by a person who is
22 licensed as a physician assistant under the laws of this state when such
23 person is working at the direction of or in collaboration with a person
24 licensed to practice medicine and surgery, or by a person holding a license
25 to practice as an advanced practice registered nurse under the laws of this
26 state ~~when such person is working at the direction of or in collaboration~~ ✓
27 ~~with a person licensed to practice medicine and surgery~~ that freedom of the
28 employee from tuberculosis has been established.

29 (c) Every board of education may require persons, other than
30 employees of the school district, to submit to the same certification of
31 health requirements as are imposed upon employees of the school district
32 under the provisions of subsection (a) if such persons perform or provide
33 services to or for a school district which require such persons to come in
34 regular contact with the pupils of the school district. No such person shall
35 be required to submit a certification of health if the person presents a
36 signed statement that the person is an adherent of a religious denomination
37 whose religious teachings are opposed to physical examinations. Such
38 persons shall be permitted to submit, as an alternative to a certification of
39 health, certification signed by a person licensed to practice medicine and
40 surgery under the laws of any state, or by a person who is licensed as a
41 physician assistant under the laws of this state when such person is
42 working at the direction of or in collaboration with a person licensed to
43 practice medicine and surgery, or by a person holding a license to practice

1 as an advanced practice registered nurse under the laws of this state when ✓
 2 such person is working at the direction of or in collaboration with a person ✓
 3 licensed to practice medicine and surgery that freedom of such persons
 4 from tuberculosis has been established.

5 (d) The expense of obtaining certifications of health and certifications
 6 of freedom from tuberculosis may be borne by the board of education.

7 Sec. 33. K.S.A. 2013 Supp. 75-7429 is hereby amended to read as
 8 follows: 75-7429. (a) As used in this section, "medical home" means a
 9 health care delivery model in which a patient establishes an ongoing
 10 relationship with a physician or other personal care provider in a
 11 physician-directed team, or with an advanced practice registered nurse to
 12 provide comprehensive, accessible and continuous evidence-based primary
 13 and preventive care, and to coordinate the patient's health care needs
 14 across the health care system in order to improve quality and health
 15 outcomes in a cost effective manner.

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16 (b) The department of health and environment shall incorporate the
 17 use of the medical home delivery system within:

18 (1) The Kansas program of medical assistance established in
 19 accordance with title XIX of the federal social security act, 42 U.S.C. §
 20 1396 et seq., and amendments thereto;

21 (2) the health benefits program for children established under K.S.A.
 22 38-2001 et seq., and amendments thereto, and developed and submitted in
 23 accordance with federal guidelines established under title XXI of the
 24 federal social security act, section 4901 of public law 105-33, 42 U.S.C. §
 25 1397aa et seq., and amendments thereto; and

26 (3) the state mediKan program.

27 (c) The Kansas state employees health care commission established
 28 under K.S.A. 75-6502, and amendments thereto, shall incorporate the use
 29 of a medical home delivery system within the state health care benefits
 30 program as provided in K.S.A. 75-6501 through 75-6523, and amendments
 31 thereto. Except that compliance with a medical home delivery system shall
 32 not be required of program participants receiving treatment in accordance
 33 with a religious method of healing pursuant to the provisions of K.S.A.
 34 2013 Supp. 75-6501, and amendments thereto.

35 Sec. 34. K.S.A. 40-4602, 59-2976, 65-1660, 65-2892, 65-4134 and
 36 65-5502 and K.S.A. 2013 Supp. 39-923, 39-1401, 39-1430, 39-1504, 65-
 37 468, 65-1113, 65-1130, 65-1626, 65-1682, 65-2837a, 65-2921, 65-4101,
 38 65-4116, 65-4202, 65-5402, 65-5418, 65-6112, 65-6119, 65-6120, 65-
 39 6121, 65-6123, 65-6124, 65-6144, 65-7003, 65-7302, 72-5213 and 75-
 40 7429 are hereby repealed.

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41 Sec. 35. This act shall take effect and be in force from and after July
 42 1, 2015, and its publication in the statute book.

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