

## HOUSE BILL No. 2280

By Committee on Health and Human Services

2-10

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1 AN ACT concerning the board of nursing; relating to the certified nurse-  
2 midwives; amending K.S.A. 2014 Supp. 65-1130 and repealing the  
3 existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 65-1130 is hereby amended to read as  
7 follows: 65-1130. (a) No professional nurse shall announce or represent to  
8 the public that such person is an advanced practice registered nurse unless  
9 such professional nurse has complied with requirements established by the  
10 board and holds a valid license as an advanced practice registered nurse in  
11 accordance with the provisions of this section.

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

19 (c) The board shall adopt rules and regulations applicable to advanced  
20 practice registered nurses which:

21 (1) Establish roles and identify titles and abbreviations of advanced  
22 practice registered nurses which are consistent with nursing practice  
23 specialties recognized by the nursing profession.

24 (2) Establish education and qualifications necessary for licensure for  
25 each role of advanced practice registered nurse established by the board at  
26 a level adequate to assure the competent performance by advanced  
27 practice registered nurses of functions and procedures which advanced  
28 practice registered nurses are authorized to perform. Advanced practice  
29 registered nursing is based on knowledge and skills acquired in basic  
30 nursing education, licensure as a registered nurse and graduation from or  
31 completion of a master's or higher degree in one of the advanced practice  
32 registered nurse roles approved by the board of nursing.

33 (3) Define the role of advanced practice registered nurses and  
34 establish limitations and restrictions on such role. The board shall adopt a  
35 definition of the role under this subsection (c)(3) which is consistent with  
36 the education and qualifications required to obtain a license as an

1 advanced practice registered nurse, which protects the public from persons  
2 performing functions and procedures as advanced practice registered  
3 nurses for which they lack adequate education and qualifications and  
4 which authorizes advanced practice registered nurses to perform acts  
5 generally recognized by the profession of nursing as capable of being  
6 performed, in a manner consistent with the public health and safety, by  
7 persons with postbasic education in nursing. In defining such role the  
8 board shall consider: (A) The education required for a licensure as an  
9 advanced practice registered nurse; (B) the type of nursing practice and  
10 preparation in specialized advanced practice skills involved in each role of  
11 advanced practice registered nurse established by the board; (C) the scope  
12 and limitations of advanced practice nursing prescribed by national  
13 advanced practice organizations; and (D) acts recognized by the nursing  
14 profession as appropriate to be performed by persons with postbasic  
15 education in nursing.

16 (d) An advanced practice registered nurse may prescribe drugs  
17 pursuant to a written protocol as authorized by a responsible physician.  
18 Each written protocol shall contain a precise and detailed medical plan of  
19 care for each classification of disease or injury for which the advanced  
20 practice registered nurse is authorized to prescribe and shall specify all  
21 drugs which may be prescribed by the advanced practice registered nurse.  
22 Any written prescription order shall include the name, address and  
23 telephone number of the responsible physician. The advanced practice  
24 registered nurse may not dispense drugs, but may request, receive and sign  
25 for professional samples and may distribute professional samples to  
26 patients pursuant to a written protocol as authorized by a responsible  
27 physician. In order to prescribe controlled substances, the advanced  
28 practice registered nurse shall: (1) Register with the federal drug  
29 enforcement administration; and (2) notify the board of the name and  
30 address of the responsible physician or physicians. In no case shall the  
31 scope of authority of the advanced practice registered nurse exceed the  
32 normal and customary practice of the responsible physician.

33 (e) An advanced practice registered nurse certified in the role of  
34 registered nurse anesthetist while functioning as a registered nurse  
35 anesthetist under K.S.A. 65-1151 ~~to through 65-1164, inclusive,~~ and  
36 amendments thereto, shall be subject to the provisions of K.S.A. 65-1151  
37 ~~to through 65-1164, inclusive,~~ and amendments thereto, with respect to  
38 drugs and anesthetic agents and shall not be subject to the provisions of  
39 ~~this subsection (d).~~

40 (f) *An advanced practice registered nurse certified in the role of*  
41 *certified nurse-midwife while functioning as a certified nurse-midwife*  
42 *under sections 2 through 10, and amendments thereto, shall be subject to*  
43 *the provisions of sections 2 through 10, and amendments thereto, with*

1 *respect to prescribing drugs and shall not be subject to the provisions of*  
2 *this section.*

3 (g) *As used in this section, "drug" means those articles and*  
4 *substances defined as drugs in K.S.A. 65-1626 and 65-4101, and*  
5 *amendments thereto.*

6 ~~(h) For the purposes of this subsection~~ *As used in the section,*  
7 *"responsible physician" means a person licensed to practice medicine and*  
8 *surgery in Kansas who has accepted responsibility for the protocol and the*  
9 *actions of the advanced practice registered nurse when prescribing drugs.*

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

12 (f)(i) A person registered to practice as an advanced registered nurse  
13 practitioner in the state of Kansas immediately prior to the effective date of  
14 this act shall be deemed to be licensed to practice as an advanced practice  
15 registered nurse under this act and such person shall not be required to file  
16 an original application for licensure under this act. Any application for  
17 registration filed which has not been granted prior to the effective date of  
18 this act shall be processed as an application for licensure under this act.

19 New Sec. 2. (a) As used in sections 2 through 10, and amendments  
20 thereto:

21 (1) "Active midwifery practice" means clinical practice and  
22 midwifery related administrative, educational and research activities.

23 (2) "Board" means the board of nursing.

24 (3) "Certified nurse-midwife" means an individual who meets the  
25 following requirements:

26 (A) Is educated in the two disciplines of nursing and midwifery;

27 (B) is currently certified by a certifying board approved by the state  
28 board of nursing; and

29 (C) is currently licensed under the Kansas nurse practice act.

30 (b) The board may adopt rules and regulations as necessary to  
31 administer the provisions of sections 2 through 10, and amendments  
32 thereto.

33 New Sec. 3. (a) In order to obtain authorization from the board to  
34 practice as a certified nurse-midwife an individual shall meet the following  
35 requirements:

36 (1) Be licensed to practice professional nursing under the Kansas  
37 nurse practice act;

38 (2) has successfully completed a course of study in nurse-midwifery  
39 in a school of nurse-midwifery approved by the board;

40 (3) has successfully completed a national certification approved by  
41 the board; and

42 (4) has successfully completed a refresher course as defined in rules  
43 and regulations of the board if the individual has not been in active

1 midwifery practice for five years preceding the application.

2 (b) Approval of schools of nurse-midwifery shall be based on  
3 approval standards specified in K.S.A. 65-1133, and amendments thereto.

4 (c) For the purposes of determining whether an individual meets the  
5 requirements of subsection (a)(2), the board, by rules and regulations, shall  
6 establish criteria for determining whether a particular school of nurse-  
7 midwifery maintains standards which are at least equal to schools of nurse-  
8 midwifery which are approved by the board.

9 New Sec. 4. Upon application to the board by any licensed  
10 professional nurse in this state and upon satisfaction of the standards and  
11 requirements established under this act and K.S.A. 65-1130, and  
12 amendments thereto, the board shall grant an authorization to the applicant  
13 to perform the duties of a certified nurse-midwife and be licensed as an  
14 advanced practice registered nurse. An application to the board for an  
15 authorization, for an authorization with temporary authorization, for  
16 biennial renewal of authorization, for reinstatement of authorization and  
17 for reinstatement of authorization with temporary authorization shall be  
18 upon such form and contain such information as the board may require and  
19 shall be accompanied by a fee to assist in defraying the expenses in  
20 connection with the administration of the provisions of this act. The fee  
21 shall be fixed by rules and regulations adopted by the board in an amount  
22 fixed by the board under K.S.A 65-1118, and amendments thereto. There  
23 shall be no fee assessed for the initial, renewal or reinstatement of the  
24 advanced practice registered nurse license as long as the certified nurse-  
25 midwife maintains authorization. The executive administrator of the board  
26 shall remit all moneys received to the state treasurer as provided by K.S.A.  
27 74-1108, and amendments thereto.

28 New Sec. 5. (a) All authorizations to practice under this act, whether  
29 initial or renewal, shall expire every two years. The biennial authorizations  
30 to practice as a certified nurse-midwife shall expire at the same time as the  
31 license to practice as a registered nurse. The board shall send a notice for  
32 renewal of the authorization to practice to every certified nurse-midwife at  
33 least 60 days prior to the expiration date of such person's authorization to  
34 practice. To renew such authorization to practice the certified nurse-  
35 midwife shall file with the board, before the date of expiration of such  
36 authorization to practice, a renewal application together with the  
37 prescribed biennial renewal fee. Upon satisfaction of the requirements of  
38 section 7(a), and amendments thereto, the board shall grant the renewal of  
39 an authorization to practice as a certified nurse-midwife to the applicant.

40 (b) Any person who fails to secure the renewal of an authorization to  
41 practice prior to the expiration of the authorization may secure a  
42 reinstatement of such lapsed authorization by making application on a  
43 form provided by the board. Such reinstatement shall be granted upon

1 receipt of proof that the applicant is competent and qualified to act as a  
2 certified nurse-midwife, has satisfied all of the requirements and has paid  
3 the board a reinstatement fee as established by the board by rules and  
4 regulations in accordance with K.S.A. 65-1118, and amendments thereto.

5 New Sec. 6. (a) Each certified nurse-midwife shall be authorized to:

6 (1) Provide a full range of primary health care services for women  
7 from adolescence to menopause and beyond. These services include  
8 primary care, gynecologic and family planning services, pre-conception  
9 care, care during pregnancy, childbirth and the postpartum period, care of  
10 the normal newborn and treatment of male partners for sexually  
11 transmitted infections;

12 (2) provide initial and ongoing comprehensive assessment, diagnosis  
13 and treatment;

14 (3) conduct physical examinations;

15 (4) prescribe, distribute and administer medications, devices and  
16 contraceptive methods, and controlled substances in schedules II-V of the  
17 uniform controlled substances act;

18 (5) admit, manage and discharge patients;

19 (6) utilize and order diagnostic services, including a clinical  
20 laboratory, sonography, radiology and electronic monitoring;

21 (7) interpret laboratory and diagnostic tests;

22 (8) order the use of medical devices; and

23 (9) provide health promotion, disease prevention and individualized  
24 wellness education and counseling.

25 (b) The surgical procedures performed by a certified nurse-midwife  
26 shall be limited to the following: (1) Episiotomy; (2) repair of episiotomy  
27 or laceration; and (3) circumcision. Any certified nurse-midwife who may  
28 perform other surgical procedures if such certified nurse-midwife meets  
29 the requirements of competencies of the American college of nurse-  
30 midwife as approved by the board.

31 (c) Any certified nurse-midwife shall practice within a coordinated  
32 system of health care system and have clinical relationships that provide  
33 for consultation, collaborative management, co-management or referral, as  
34 indicated by the health status of the patient.

35 (d) Any certified nurse-midwife shall have a written plan for  
36 emergency referrals, with names and contact information of physicians,  
37 hospitals and other medical personnel or facilities to be used in case of  
38 emergency.

39 New Sec. 7. (a) The applicant for renewal of an authorization to  
40 practice as a certified nurse-midwife shall:

41 (1) Have met the continuing education requirements for a certified  
42 nurse-midwife as developed by the board or by a national organization  
43 whose certifying standards are approved by the board as equal to or greater

1 than the corresponding standards established under this act;

2 (2) be currently licensed as a professional nurse; and

3 (3) have paid all applicable fees provided for in this act as fixed by  
4 rules and regulations of the board.

5 (b) Continuing education credits approved by the board for purposes  
6 of this section may be applied to satisfy the continuing education  
7 requirements established by the board for licensed professional nurses  
8 under K.S.A. 65-1117, and amendments thereto, if the board finds such  
9 continuing education credits are equivalent to those required by the board  
10 under K.S.A. 65-1117, and amendments thereto.

11 New Sec. 8. (a) Except as otherwise provided in sections 2 through  
12 10, and amendments thereto, any licensed professional nurse or licensed  
13 practical nurse who engages in nurse-midwifery without being authorized  
14 by the board to practice as a certified nurse-midwife is guilty of a class A  
15 misdemeanor.

16 (b) Any person, corporation, association or other entity, except as  
17 otherwise provided in sections 2 through 10, and amendments thereto, who  
18 engages in any of the following activities is guilty of a class B  
19 misdemeanor except that upon conviction of a second or subsequent  
20 violation of this subsection, the person is guilty of a class A misdemeanor:

21 (1) Employing or offering to employ any person as a certified nurse-  
22 midwife with knowledge that such person is not authorized by the board to  
23 practice as a certified nurse-midwife;

24 (2) fraudulently seeking, obtaining or furnishing documents  
25 indicating that a person is authorized by the board to practice as a certified  
26 nurse-midwife when such person is not so authorized, or aiding and  
27 abetting such activities; or

28 (3) using in connection with one's name the title certified nurse-  
29 midwife, the abbreviation NM or CNM, or any other designation tending  
30 to imply that such person is authorized by the board to practice as a  
31 certified nurse-midwife when such person is not authorized by the board to  
32 practice as a certified nurse-midwife.

33 New Sec. 9. (a) The board, by rules and regulations, shall establish a  
34 program of transition to full practice for all persons who, on and after the  
35 effective date of this act, are granted initial licensure as an advanced  
36 practice registered nurse in the classification of nurse- midwife, who have  
37 less than 1,500 hours of licensed active practice as an advanced practice  
38 registered nurse in their initial roles.

39 (b) As part of the program of transition to full practice, a certified  
40 nurse-midwife shall complete, within two years from the commencement  
41 of the program by the certified nurse- midwife, a transition to full practice  
42 period of 1,500 hours of licensed active practice either with a certified  
43 nurse-midwife or with a physician. The certified nurse-midwife shall

1 administer medications as needed for safety and therapeutic purposes.

2 (c) As part of the program of transition to full practice, the board shall  
3 specify the manner and form in which the advanced practice registered  
4 nurse in the classification of nurse-midwife participating in the program  
5 may identify oneself professionally and to the public.

6 (d) The certified nurse-midwife shall be responsible for completing  
7 the required documentation for the program of transition to full practice as  
8 specified by the board. Upon the successful completion of the program of  
9 transition to full practice, the board of nursing shall authorize the certified  
10 nurse-midwife to engage in the practice of advanced practice registered  
11 nursing without the limitations of this subsection and as otherwise  
12 authorized by law.

13 (e) A person licensed to practice as a certified nurse-midwife in the  
14 state immediately prior to the effective date of this act shall be deemed to  
15 be licensed to practice as a certified nurse-midwife under this act and such  
16 person shall not be required to file an original application for licensure  
17 under this act. Any application for licensure filed which has not been  
18 granted prior to the effective date of this act shall be processed as an  
19 application for licensure under this act.

20 (f) All rules and regulations of the board in effect prior to the  
21 effective date of this act which were adopted by the board and are  
22 applicable to certified nurse-midwives shall continue to be effective until  
23 revised, amended, revoked or nullified pursuant to law.

24 New Sec. 10. Sections 2 through 10, and amendments thereto, shall  
25 be part of and supplemental to the Kansas nurse practice act.

26 Sec. 11. K.S.A. 2014 Supp. 65-1130 is hereby repealed.

27 Sec. 12. This act shall take effect and be in force from and after its  
28 publication in the statute book.