



KHA's Capitol Comments
July 18, 2022

Rules and Regulations Take Center Stage

As many of the legislative bills passed during the 2022 session go into effect, the rules and regulations associated with recently passed legislation take center stage.

Today, the Board of Rules and Regulations met to re-evaluate the temporary rules and regulations associated with the implementation of [Senate Sub for House Bill 2279](#), passed during the 2022 session. The Board reviewed and approved temporary rules and regulations changes to the following:

[KAR 60-11-101](#)

[KAR 60-11-104](#)

[KAR 60-11-105](#)

[KAR 60-11-107](#)

The intent, as presented to the Board by the enacting agency, is not to expand the current scope of practice but to allow for the practice of APRNs without a collaborative agreement in accordance with the Nurse Practice Act.

Later in the day, the Joint Committee on Rules and Regulations, chaired by Senator Kellie Warren (R-Leawood), met to approve further rules and regulations being propagated by several agencies, boards and commissions.

The entities appearing before the committee today included:

The Kansas Board of Healing Arts reviewed rules and regulations changes associated with the Physical Therapy Compact legislation, including: [KAR 100-29-7](#), [KAR 100-29-9](#) and [KAR 100-29-15](#). The proposed changes up for public comment and with a hearing date set for July 28, 2022, can be found: [BOHA Rules and Regs Proposed Changes and Hearing Notice](#).

The Board of Emergency Medical Services also appeared before the committee to propose changes to reflect only first attempts at challenging state cognitive examinations for the level of certification being sought. The [proposed changes](#) include amendments to KAR 109-17-3. Those changes are open for comment, with a hearing date set for August 2.

The Kansas Department of Health and Environment reviewed rules and regulations related to changes to reflect the Kansas birth defect reporting manual. The [changes proposed](#) by KDHE make adjustments

to [KAR 28-4-520](#) and [KAR 28-4-521](#). The changes are open to public comment, with a hearing date set for September 9.

KDHE also [proposed changes](#) to [KAR 28-4-114](#) dealing with applicant licensees for daycare providers. Those are also open for public comment, with a hearing date set for September 9.

The Kansas Board of Nursing also appeared before the committee to discuss the [proposed rules and regulations](#) for the implementation of [Senate Sub for House Bill 2279](#). Director Carol Moreland reviewed the proposed rules and regulations and indicated that those are open for comment, with a hearing date set for September 6. The proposed adjustments include the following regulations: [KAR 60-11-101](#), [KAR 60-11-103](#), [KAR 60-11-104](#), [KAR 60-11-105](#), [KAR 60-11-107](#) and [KAR 60-11-113](#). The Joint Committee heard concerns from testifying conferees that the proposed rules and regulations may go beyond the scope of what was intended and suggested a possible change to wording allowing for a nurse practicing under the Nurse Practice Act to develop a "nursing regimen" rather than a "medical plan."

The committee asked the Board of Nursing to clarify the impact if the rules and regulations were specific to allowing APRNs to establish nursing regimens rather than medical plans as proposed. The committee members also asked conferees about the medical malpractice minimums, which were not set in the proposed rules and regulations or by statute for APRNs and expressed that there could be need for future clarification.

Also related to the enactment of Senate Sub for HB 2279, the Kansas Board of Healing Arts has submitted a request for an Attorney General's opinion. The request seeks clarification on if the enactment of the legislation and the associated elimination of the need for a collaborative agreement for an APRN is specific to only prescribing and if those agreements are still required for all other acts or practices of the APRN. No opinion has yet been released on the matter.