

Proposed

Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson St., Suite 1051
Topeka, KS 66612-1230



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Carol Moreland, MSN, RN
Executive Administrator

Kansas State Board of Nursing

Laura Kelly, Governor

September 3, 2024

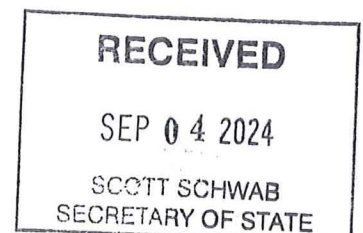
A public hearing will be conducted at 10:00 A.M. Friday, November 15, 2024, in Suite 1051 of the Landon State Office Building, 900 S.W. Jackson St., Topeka, KS to consider the adoption of proposed changes in one existing regulation, K.A.R. 60-3-114, relating to satisfactory completion of a refresher course approved by the board.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit written comments prior to the hearing to the Executive Administrator of the Kansas State Board of Nursing, 900 S.W. Jackson St., Suite 1051, Topeka, KS 66612 or by email to carol.moreland@ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulation during the public hearing. Phone comments will be taken by calling 1-877-278-8686 (access code 420360) at the time of the hearing. To provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Carol Moreland at (785) 296-5752. The north entrance to the Landon State Office Building is handicapped accessible. Handicapped parking is located at the north end of the Landon State Office Building, across the street from the north entrance to the building, and on Ninth Street, just around the corner from the north entrance to the building.

A summary of the proposed regulation and the economic impact follows. A copy of the proposed regulation and associated economic impact statement may be obtained by accessing the Kansas State Board of Nursing website at <https://ksbn.kansas.gov> or by contacting the Executive Administrator of the Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson St., Suite 1051, Topeka, KS 66612, (785) 296-5752, or carol.moreland@ks.gov prior to the date of the hearing.

K.A.R. 60-3-114. Satisfactory completion of a refresher course approved by the board. The proposed revisions for this regulation include a change in the number of required hours of clinical learning for a registered professional nurse refresher course and a licensed practical nurse refresher course. The required number of clinical learning clock-hours for the registered professional nurse refresher course is changed to 120 with 96 clock-hours in an acute care setting and 24 clock-hours in a setting of choice. The required number of clinical learning clock-hours for a licensed practical nurse refresher course is changed to 90 clock-hours in an acute care or skilled nursing setting of choice.



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There is minimal economic impact to the Board of Nursing. This proposed change will decrease the cost for the RN and LPN taking the refresher courses. It will also decrease the time involvement for the refresher course providers. This proposed change is more in alignment with the other states that require completion of a refresher course. There is no economic impact to the general public. This change will enable nurses who are required to complete a refresher course to complete the refresher course faster, reinstate their license, enter the workforce, and increase the number of licensed nurses. These changes will help the nursing workforce shortage.

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60-3-114. Satisfactory completion of a refresher course approved by the board. (a) Each refresher course shall provide didactic instruction and clinical learning as follows:

(1) At least 120 clock-hours of didactic instruction; and

(2) ~~at least 180 clock hours~~ of clinical learning, which shall be verified by the preceptor and refresher course administrator or by the refresher course faculty member, according to the following requirements:

(A) For the registered professional nurse refresher course, ~~at least 110 of the 120~~ required clock-hours with 96 clock hours in an acute care setting and 24 clock hours in setting of choice; and

(B) for the licensed practical nurse refresher course, ~~at least 90~~ 90 clock-hours in an acute care or skilled nursing setting of choice.

(b) The didactic instruction and clinical learning content areas of the registered professional nurse refresher course shall be the following:

(1) Safe, effective care environment, including management of care and safety and infection control;

(2) health promotion and maintenance;

(3) psychosocial integrity;

(4) physiological integrity, including basic care and comfort, pharmacological and parenteral therapies, reduction of risk potential, and physiological adaptation; and

(5) integrated content, including the nursing process, caring, communication, documentation, teaching, and learning.

(c) The didactic instruction and clinical learning content areas of the licensed practical nurse refresher course shall be the following:

(1) Safe and effective care environment, including coordinated care and safety and infection control;

(2) health promotion and maintenance;

(3) psychosocial integrity;

(4) physiological integrity, including basic care and comfort, pharmacological therapies, reduction of risk potential, and physiological adaptation; and

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(5) integrated content, including the nursing process, caring, communication, documentation, teaching, and learning.

(d) (1) Each refresher course student shall be supervised by the course faculty member or preceptor.

(2) All clinical learning experiences shall be under the direct supervision of a registered professional nurse. Direct supervision shall mean that a registered professional nurse observes, directs, and evaluates the refresher course student's performance.

(3) The faculty member or preceptor shall be on site when the refresher course student is assigned responsibilities that include nursing skills and abilities in which the student has acquired proficiency and the care required is simple and routine.

(4) The faculty member or preceptor shall be on the premises when the refresher course student is assigned responsibilities that include nursing skills and abilities in which the student is gaining proficiency and the clients assigned to the student have severe or urgent conditions or are unstable, or both.

(5) Each student in a registered professional nurse refresher course shall demonstrate clinical skills appropriate for the scope of practice for the registered professional nurse.

(6) Each student in a licensed practical nurse refresher course shall demonstrate clinical skills appropriate for the scope of practice for the licensed practical nurse.

(7) Upon successful completion of the didactic portion of the refresher course, the unlicensed student shall submit an application for licensure in Kansas before beginning clinical learning. (Authorized by K.S.A. 65-1115, 65-1116, and 65-1129; implementing K.S.A. 65-1115 and 65-1116; effective Nov. 7, 2008; amended P-_____.)

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Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas State Board of Nursing
Agency

Carol Moreland
Agency Contact

785-296-3068
Contact Phone Number

60-3-114
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million or more in implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation over the initial five-year period following adoption of such rule(s) and regulation(s) (as calculated in Section III, F)?

Yes If "Yes," then the agency shall not adopt the rule(s) and regulation(s) until the rule(s) and regulation(s) has been ratified by the Legislature with a bill, unless the proposed rule(s) and regulation(s) are: 1) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program, as described in K.S.A. 77-416(b)(1)(B), and amendments thereto; 2) temporary rule(s) and regulation(s) adopted pursuant to K.S.A. 77-722, and amendments thereto; or 3) rules and regulations adopted pursuant to K.S.A. 2-3710 (Kansas Agricultural Remediation Board). Continue to fill out the remaining EIS form to be included with the regulation packet in the review process to the Department of Administration and the Attorney General. The submitted EIS will be independently analyzed by the Division of the Budget for approval.

No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. The submitted EIS will be analyzed by the Division of the Budget for approval.

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Section I

Analysis, brief description, and cost and benefit quantification of the proposed rule(s) and regulation(s). If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs.

^z K.A.R. 60-3-114 contains information relating to satisfactory completion of a refresher course approved by the Kansas Board of Nursing for LPNs and RNs. A refresher course must be completed to reinstate their nursing license when the license has been lapsed more than 5 years. The proposed change in the regulation will decrease the amount or required clock-hours for the RN and LPN refresher courses. This proposed change will decrease the cost for the RN and LPN taking the refresher courses. It will also decrease the time for the refresher course providers. This proposed change is more in alignment with other states that require this. The number of nurses that complete a refresher course to reinstate their licenses is 10 or less annually.

Section II

Explain whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law.

Not mandated by federal law

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

This proposed change will make it faster for nurses who must take a refresher course to reinstate their licenses. This would enable them to reinstate their license and enter the workforce faster at a time when there is nursing workforce shortage. This change will not restrict the businesses that offer the refresher course as this change is more in line with other states, so the vendor already offers the decreased hours.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that will be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The businesses that offer the refresher courses are less than 5 and they already offer them at the proposed clock hours, so it will not mean a new business model for them. Presently they are offering more clock hours for the Kansas nurses, which means more of their time.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

Businesses that offer RN and LPN refresher courses that meet our requirements. There is one that is a nursing program in Kansas and the other 3 are out of state businesses that offer refresher courses.

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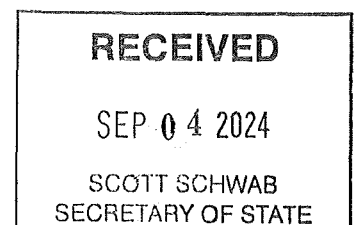
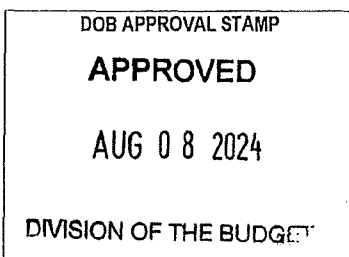
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D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The RNs and LPNs needing to reinstate their license via a refresher course will complete the refresher course faster and therefore enter the workforce faster, which is a big benefit to the employers who are dealing with nursing workforce issues.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

We researched the required clock hours for the other states that require refresher courses and know the vendors requirements, which the change will not require extra work on their part and they can get the nurse in the refresher course completed faster.



F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or individuals. *Note: Do not account for any actual or estimated cost savings that may be realized. Implementation and compliance costs determined shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units, and individuals.*

Costs to Affected Businesses – \$<\$1,000 based on business model

Costs to Local Governmental Units – \$0

Costs to Individuals – \$ < 500

Total Annual Costs – \$Will be based on the number of nurses needing refresher course, which varies some each FY
(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

Looked at the number of nurses completing a refresher course in the last two FYs, which is <10.

- Yes If the total implementation and compliance costs exceed \$1.0 million or more in implementation and compliance costs over the initial five-year period following adoption of such rule(s) and regulation(s) that are reasonably expected to be incurred
- No by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation, did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- Not Applicable

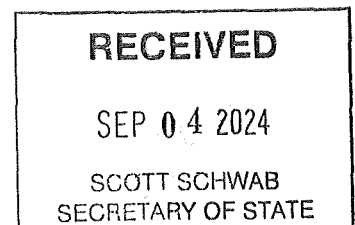
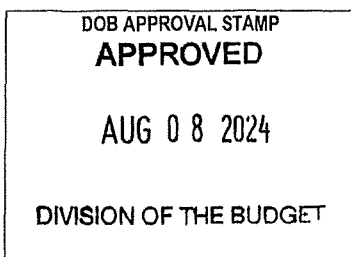
If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

No change in KSBN revenue or expenditures, since we do not offer the refresher courses

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

The long-range economic impact would be nurses needing to reinstate their license via completion of refresher course would complete it faster, get their license reinstated faster, and enter the workforce sooner, which will help the employers and the public to have more nurses in the workforce.



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- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

NA

- H. Describe how the agency consulted and solicited information from businesses, business associations, local governmental units, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s) or may provide relevant information.

Talked to the few businesses that offer the refresher course and they were supportive.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
 No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the individuals or entities who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other individuals who will bear the costs.

Click here to enter agency response.

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, the individuals or entities who will bear the costs and who will be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

