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December 7, 1979

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ATTORNEY GENERAL OPINION NO. 79- 280

The Honorable Ruth Luzzati
State Representative, Eighty-Fourth District
5203 Plaza Lane
Wichita, Kansas 67208

Re: Public Health--Examination, Licensure and
Regulation of Nursing--Schools of Nursing
and Educational Programs for Advanced
Registered Nurse Practitioners

Synopsis: A person may be licensed as a registered
professional nurse without first obtaining
a baccalaureate degree. Thus, "degree com-
pletion" programs are in the nature of con-
tinuing education devices over which the
Kansas State Board of Nursing has elected
to exercise no jurisdiction, since the
Board has set a lesser licensure standard.

* * *

Dear Representative Luzzati:

You request our opinion as to what, if any, jurisdiction the
Kansas State Board of Nursing has over "degree completion
nursing programs" conducted in the State of Kansas. We are
advised that all students in such a program are registered
professional nurses (currently licensed by the Kansas State
Board of Nursing) who have not received baccalaureate degrees
in nursing (B.S.N.).

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Pursuant to K.S.A. 1978 Supp. 65-1119, the Kansas State Board of Nursing has authority to accredit schools for professional nurses, schools for practical nurses, and educational programs for advanced registered nurse practitioners. In the exercise of that authority the Board has accredited three types of programs* within the "schools for professional nurses" category which, if successfully completed, may lead to licensure as a registered professional nurse: "hospital" programs (also referred to as "diploma" programs), "associate degree" programs, and "baccalaureate degree" programs. Regardless of which of the three programs is completed, all applicants for an original license to practice as a registered professional nurse must pass the examination conducted by the Board. See K.S.A. 1978 Supp. 65-1115(b)(1). However, only those registered professional nurses who have successfully completed a "baccalaureate degree" program accredited by the Board will have received a B.S.N. degree, and "degree completion" programs would, therefore, be offered to "hospital" and "associate degree" nurses who do not hold such a degree. It is clear that, pursuant to K.S.A. 1978 Supp. 65-1119, the Kansas State Board of Nursing has statutory authority to accredit schools offering baccalaureate degrees which lead to licensure of registered professional nurses. However, it is equally clear that a person may be licensed as a registered professional nurse without first obtaining a baccalaureate degree, as discussed above. Thus, a "degree completion" program is in the nature of a continuing education device over which the Board has elected to exercise no jurisdiction since the Board has set a lesser licensure standard.

Significantly, we find nothing which would prohibit the Board's adoption of rules and regulations establishing the B.S.N. degree as a minimum requirement for licensure as a registered professional nurse. If the Board adopted such a regulation, institutions presently offering "degree completion" programs would be directly affected by such a requirement, and would as a practical matter be forced to seek accreditation of their curricula to effectively compete with other accredited institutions and to insure that their graduates are qualified for licensure in Kansas.

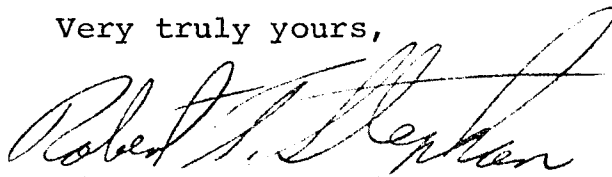
*It is important to note that, notwithstanding the Board's practice to accredit "programs" of training and education for professional and practical nurses, such programs should be called "schools for professional nurses" and "schools for practical nurses" as expressly referenced in K.S.A. 1978 Supp. 65-1119. Enclosed for your consideration is a copy of Attorney General Opinion No. 79-274 in which the distinction between accredited "schools" and "programs" is discussed extensively.

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It is important to note, however, that the Board of Nursing has no authority to determine whether an educational institution may confer degrees in nursing; only the Board of Regents has such authority. See K.S.A. 1978 Supp. 74-3249 et seq. and K.S.A. 76-716. The Board of Nursing is empowered to prescribe standards for licensure, and could require a B.S.N. as a minimum requirement for licensure of registered professional nurses, thus affecting those institutions offering degree completion programs, as discussed above, but only in that regard.

But, the Board has not elected to impose such a requirement either for licensure or for curriculum standards of schools for professional nurses. It is our opinion that such requirements, imposed by amendment of its administrative rules and regulations, are the only means by which the Board could affect or impose requirements for accreditation of the programs about which you have inquired.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Steven Carr
Assistant Attorney General

RTS:WRA:SC:gk

Enclosure: Attorney General Opinion No. 79-274