



STATE OF KANSAS

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February 25, 1981

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ATTORNEY GENERAL OPINION NO. 81- 54 .

Ms. Bonnie Howard, R.N.
Continuing Education Coordinator
Kansas State Board of Nursing
503 Kansas Avenue, Suite 330
Topeka, Kansas 66601

Re: Public Health--Examination, Licensure and Regulation
of Nursing--Issuance of Temporary Permits

Synopsis: The Board of Nursing may issue temporary permits, pursuant to K.S.A. 65-1115 and 65-1116, as the board may deem appropriate. The Board's power to issue temporary permits for the practice of professional and practical nursing is a matter within the sound discretion of the Board. Cited herein: K.S.A. 65-1113, 65-1115, 65-1116.

* * *

Dear Ms. Howard:

On behalf of the Kansas State Board of Nursing, you inquire concerning the Board's power to issue temporary permits to practice nursing. As you have correctly noted, K.S.A. 65-1115(d) and 65-1116(d) empower the Board to issue temporary permits for the practice of professional nursing and the practice of practical nursing, respectively.

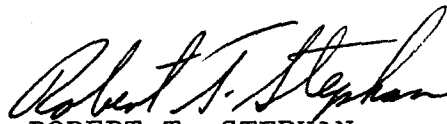
You advise that the Board has received a number of requests for temporary permits from nurses seeking to have lapsed licenses reinstated. They seek the permits to enable them to obtain clinical coursework to

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satisfy the Board's continuing education requirements for licensure and for reinstatement of licenses, under Board regulations. You further advise that heretofore the Board has only issued temporary permits to graduates of schools of nursing to permit the practice of nursing by graduates from the date of graduation until the results of the graduates' State Board examinations are announced. You inquire whether the Board may issue temporary permits for the above-described purpose.

In our opinion, the Board's power to issue temporary permits for the practice of professional and practical nursing is a matter left to the sound discretion of the Board. The statutes, K.S.A. 65-1115 and 65-1116, simply provide that "[t]he board may issue a temporary permit to practice nursing . . . for a period of not to exceed sixty (60) days." We find no provisions in the statutes in question, or elsewhere in the Nurse Practice Act, K.S.A. 65-1113 et seq., limiting the Board's authority or discretion in this matter, except for the 60-day limitation, quoted above. Accordingly, we conclude that the Board may issue temporary permits to persons seeking to have lapsed licenses reinstated to enable them to complete continuing education coursework required for licensure and reinstatement of licenses, as the Board may deem appropriate in the sound exercise of its discretion.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Steven Carr
Assistant Attorney General

RTS:BJS:SC:pf