

IN THE DISTRICT COURT OF SHAWNEE COUNTY

ARIA MEDICAL CLINIC, LLC, a Kansas)
domestic professional limited liability)
company, on its own and on behalf of its) CASE NO. SN-2025-CV-000298
patients; and ELYSE GILBERT, CNM, on)
her own and on behalf of her patients,)

Plaintiffs,)

v.)

KANSAS STATE BOARD OF NURSING;)
ANDREA WATSON, in her official capacity)
as president of the Kansas State Board of)
Nursing; CAROL MORELAND, in her)
official capacity as executive administrator)
of the Kansas State Board of Nursing; KRIS)
KOBACH, in his official capacity as)
Attorney General of the State of Kansas;)
MARC BENNETT, in his official capacity as)
District Attorney for Sedgwick County,)

Defendants.)

PLAINTIFFS' RESPONSE IN OPPOSITION TO
DEFENDANTS' MOTION TO STAY PROCEEDINGS

COME NOW Plaintiffs, by and through counsel, and respectfully submit this Response in Opposition to Defendants' Motion to Stay (the "Motion"). For the reasons set forth below, the Motion should be denied.

I. INTRODUCTION

Defendants ask this Court to halt this case indefinitely based on internal changes to the Kansas State Board of Nursing that have left fewer than a majority of the Board's eleven positions filled. The requested stay is both unsupported and overbroad. This case involves multiple Defendants, including officials who remain

fully capable of litigating their defenses. Yet Defendants seek to freeze the entire case, including claims against those unaffected parties, without any meaningful showing that such extraordinary relief is warranted.

Furthermore, Defendants' own motion confirms that the Board has not ceased functioning. Before any alleged loss of quorum, the Board delegated authority to continue operations. That delegation—combined with the continued presence of operational leadership—undermines Defendants' claim that litigation cannot proceed.

The Court entered a comprehensive Case Management Order just two months ago, with a clear directive that parties were not to come back to this Court seeking additional time. Plaintiffs have adhered to that directive, and while Plaintiffs have consented to extensions for written discovery responses, they adamantly oppose Defendants' request to stay these proceedings altogether.

Defendants seek to wholly undo the recently-negotiated Case Management Order just two months after its entry, despite the fact that, as the Court is aware, it established deadlines extending beyond those Plaintiffs had requested. Staying the proceedings now will only further prejudice Plaintiffs with delay without being rooted in a genuine need. A stay would reward delay, disregard the Court's Case Management Order, and needlessly stall resolution of Plaintiffs' claims. The Motion should be denied.

II. ARGUMENT

The Court entered a detailed—and, by its own description, very generous—

Case Management Order establishing a year-long discovery period, after this case had already been pending for nearly a year. At an in-person hearing in late February, the Court expressly cautioned that the parties were not to seek, and the Court would not grant, continuances of those deadlines.

Plaintiffs respectfully note that a stay is, in substance, a continuance. *See Henry v. Stewart*, 203 Kan. 289, 293, 454 P.2d 7 (1969) (“Like a continuance, the question of staying an action is largely discretionary with the court and is governed by the same law applicable to continuances.”); *Dalton v. Hill*, 169 Kan. 388, Syl. ¶ 1, 219 P.2d 710 (1950); *Turner v. Steele*, 47 Kan. App. 2d 976, 991, 282 P.3d 632 (2012); *cf.* K.S.A. 60-240(b) (“For good cause, the court may continue an action at any stage of the proceedings on just terms.”). The Motion seeks to halt all proceedings for months, if not indefinitely, which directly contravenes both the structure and the spirit of the Case Management Order and the assurances given to the Court.

It also lacks good cause. For the reasons discussed here, Defendants do not actually identify a legal barrier preventing this case from proceeding. Defendants’ argument should not serve as a basis to override a court-ordered schedule—particularly where the Court has already made clear that the case will proceed on the timeline set, and where Plaintiffs endure a constitutional violation as they await their day in court.

While granting a stay here would effectively nullify the Case Management Order, it is also bad public policy. If internal turnover were enough to halt litigation, courts would see a wave of sudden executive departures and board resignations

whenever deadlines approached. The timing of the proposed July 2026 and January 2027 status reports are telling and suggest an effort to delay proceedings until a new governor makes appointments. There is no reason to suspect that Governor Kelly will not appoint sufficient Board members to meet any quorum requirement by July 1, 2026; indeed, H.B. 2528, § 10(g), 2025–2026 Leg., Reg. Sess. (Kan. Apr. 8, 2026) requires that the governor “shall” appoint interim board members prior to July 1, 2026. Further, if litigation could be paused to await new political appointees in the final year of a term, cases against the government would rarely move forward at all. Plaintiffs ask that the Court enforce its Case Management Order and deny the requested relief.

A. The Board’s Own Actions Undermine Any Claim That It Cannot Participate in Litigation.

Even as Defendants argue that the Board is unable to function, their motion acknowledges that: (1) the Board delegated authority to an Operations Committee before any alleged loss of quorum; and (2) a Director of Operations remains in place to manage operational functions. (Mot., at 3.) Those admissions are dispositive, but don’t even tell the full story.

In fact, at the March 25, 2026 Board meeting, an Operations Committee consisting of three board members was designated and delegated authority “to perform functions necessary to ensure the continuity of the Board’s operations in the event there is not a majority of the board members present to conduct the business of the Board” and further that board member “Ruth Burkhart [was] designated the chair of the Operations Committee and has the authority to act on behalf of the

Operations Committee” in the event there were not enough members present to do business as the Operations Committee. Kan. State Bd. of Nursing, Board Meeting 2026-03, at 2:11:45 (YouTube, Mar. 25, 2026), <https://www.youtube.com/watch?v=I7gqv6em4IY>. The authority of the Operations Committee was not limited in any way. “[B]usiness of the Board” necessarily includes defending lawsuits.

The Board is not defunct. It continues to operate through delegated authority and existing personnel. Defendants offer no support for their assertion that this delegation of authority excludes litigation decision-making authority, particularly given the broad authority vested in the Operations Committee and Board Member Ruth Burkhart. Defendants’ claim that the Board is categorically incapable of participating in litigation is therefore overstated.

Moreover, Defendants’ concern about litigation decision-making is not unique to this case. Government entities frequently experience leadership turnover without halting ongoing litigation. The law does not permit a party to suspend proceedings simply because it prefers to wait for new decision-makers. If Defendants believe certain discrete issues require accommodation, they can seek targeted relief. But they have not shown that a blanket stay of all proceedings is necessary or justified.

Finally, Defendants have not even shown that a quorum of the Board is necessary to direct this litigation at all. This case was filed on April 22, 2025, and KSBN and the Attorney General were served on April 29, 2025. (Court file.) The first Board meeting following the filing and service of process of the Petition did not occur

until June 11, 2025. *See* Kan. State Bd. of Nursing, 2025 Board Meeting Agenda and Minutes, <https://ksbn.kansas.gov/2025-agenda-and-minutes/>. Yet Defendants filed their Motion to Dismiss on June 3, 2025, before that meeting occurred. KSBN therefore plainly did not direct the filing of that motion through full board action. Indeed, neither the June 11, 2025 minutes (Ex. A), nor the September 10, 2025 minutes (Ex. B) reflect any discussion of this litigation at all, even in executive session.¹

Defendant’s suggestion that the Board is “unable to function as a litigant” or “authorize litigation strategy” (Mot., at 4) is wholly disingenuous when it is clear that the Board has not been consulted about litigation strategy since the inception of this case.² Acting through delegated authority absent a quorum is not unreasonable, particularly when the delegation was granted by a majority of the Board at a meeting at which a quorum was present.

¹ Minutes from June 11, 2025 (Ex. A) do not reflect any executive session at all. Minutes from September 10, 2025 (Ex. B) reflect three executive sessions to discuss “legal issues related to internal procedures and statutory compliance” but none to discuss pending litigation, and no counsel of record in this case was present during those executive sessions. Minutes of the December 10, 2025 Board meeting are not posted online; the link provided to the “December 2025” minutes on the Board’s website are actually the minutes from a January 30, 2026 Special Board Meeting. *See* Kan. State Bd. of Nursing, 2025 Board Meeting Agenda and Minutes, <https://ksbn.kansas.gov/2025-agenda-and-minutes/> (last visited May 13, 2026).

² It is noteworthy also that Plaintiffs inquired as to whether Defendants would consent to enjoin enforcement of the Challenged Laws during any period of stay, and counsel for Defendants would not agree—not that they were unable to respond due to absence of a client. How could counsel take a position on that request, if counsel needed to consult with the client but did not have a client directing them?

B. Defendants Have Not Shown the Good Cause Required for a Stay.

Defendants have not shown a hardship or an inequity. Their claimed hardship is speculative: that future Board members might revisit litigation decisions or that discovery responses could later be reconsidered. That possibility exists in virtually every case involving changing personnel. By contrast, a stay would prejudice Plaintiffs by delaying resolution of their claims, disrupting the Court’s schedule, and prolonging the ongoing enforcement of the challenged regulatory scheme.

Defendants’ assertion that a brief, structured stay would not materially alter the trajectory of this case (Mot., at 5-6) does not constitute good cause—and is dishonest. A stay of more than six months is not brief when a law is challenged as unconstitutional. And, Plaintiffs have not been engaged at a “leisurely pace.” *Id.* The Court will recall that Plaintiffs affirmatively raised concerns about the extended discovery period sought by Defendants as Plaintiffs desired and were prepared to proceed more expeditiously. And it is Defendants, not Plaintiffs, who have already delayed progress of this case significantly by obtaining extensions and filing a motion to dismiss—which admittedly was their right—but which already delayed the case by six months.

C. A Stay Is Improper Because Other Defendants Remain Fully Capable of Litigating This Case.

Defendants’ motion rests almost entirely on the asserted limitations of the Kansas State Board of Nursing. But this case does not involve the Board alone. It also includes the Attorney General and the Sedgwick County District Attorney, both of whom remain in place and fully capable of litigating their defenses, and who are

being defended by the same counsel with the same interest as KSBN in upholding the constitutionality of the Challenged Laws.

Defendants offer no meaningful explanation for why proceedings against these Defendants should be halted or why depositions cannot move forward when the same counsel with an objective common to all defendants are representing all defendants in this case. Nor do they attempt to tailor their request—for example, by seeking a limited stay as to the Board alone. Instead, they seek to suspend the entire case.

That sweeping request is unsupported. Courts routinely deny stays where litigation can proceed as to other parties or issues. At minimum, discovery and motion practice can—and should—continue with respect to the unaffected Defendants.

D. Other Alternatives Exist.

Plaintiffs suggest that the Court also has the inherent power to appoint an appropriate individual to act on behalf of KSBN. The situation with the KSBN is not unprecedented in Kansas. In *Hellebust v. Brownback*, 824 F. Supp. 1524 (D. Kan. 1993), *aff'd* and remanded, 42 F.3d 1331 (10th Cir. 1994), the federal court addressed continued operations of the Kansas State Board of Agriculture after it held that the method by which the Secretary and all board members had been elected was unconstitutional. Judge Lungstrum in that case appointed the then-Governor to serve in the role of receiver for the Board of Agriculture until a board was selected via constitutional method in order to allow continued operations of the agency. *Hellebust*, 824 F. Supp. at 1527. A similar approach could be adopted here if there is concern—which Plaintiffs do not believe reasonably exists—that additional authority

must be delegated for this litigation to continue.

III. CONCLUSION

Defendants seek to pause this case in contravention of the Court's Case Management Order, based on circumstances that affect only one Defendant and that do not prevent the case from moving forward. Because Defendants have not shown good cause for a stay—and because less drastic alternatives are plainly available—the motion should be denied.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 13th day of May, 2026, a true and correct copy of the foregoing was e-Filed with the clerk of the court using the Kansas Courts e-Filing system which will send a “Notice of Electronic Filing” to the counsel who are registered Filing Users, and a courtesy copy was provided via email to:

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/s/ Anne M. Kindling _____
Anne M. Kindling

**Kansas State Board of Nursing
Board Meeting Minutes
June 11, 2025**

Time: 9:22 a.m. – 2:11 p.m.

Board Members: **Present in Person**
Andrea Watson, RN, BSN, OCN, CCRP, President
Amy Hite, EdD(c), DNP, FNP-C, Vice President
Michelle Terry, Public Member, Secretary
Melissa Oropeza, DNP, APRN-BC, CGRN
Adri Gouldsmith, LPN
Julianna Rieschick, RN, MSN, NEA-BC
Ruth Burkhart, DNP, MA, RN-BC, LPCC
Brenda Sharpe, Public Member
Absent with prior notice
Lori Owen, LPN

Staff Present in Person: Carol Moreland, MSN, RN, Executive Administrator
Adrian Guerrero, Director of Operations
Linda Davies, BSN, RN, Practice Specialist
Janelle Martin, MHSA, RN, Nursing Education Compliance Officer
Jill Simons, Executive Assistant

Quorum: A quorum was established.

Call to order: The Board meeting was called to order by Andrea Watson, RN, BSN, OCN, CCRP, Board President, at 9:22 a.m.

Review onsite packet: There was one item for the onsite packet.
1) Draft of the Kansas State Board of Nursing Fiscal Year 2024 Annual Report

Add/Revise Agenda: There will be two additions to the agenda under new business.
1) NCSBN Annual Education Program Data
2) Election of KSBN Vice President due to Board Member Michaela Hysten resignation from the Board.

Announcement: A. Watson and the Board recognized Julianna Rieschick, Michaela Hysten and Lori Owen for their time served on the Board.

Election of Vice President: Adri Gouldsmith nominated Amy Hite for vice president. Nominations cease. It was moved to elect Amy Hite as Vice President. Motion #1 Gouldsmith/Sharpe Adopted UYVV. Hite abstained.

Minutes: The minutes from the March 26, 2025, board meeting were reviewed. It was moved to approve the minutes from the March 26, 2025, board meeting as written.
Motion #2 Sharpe/Oropeza Adopted UYVV.

Consent Item Agenda: There were no Consent Item Agenda.

Exec. Admin. Report: C. Moreland reported to the Board. (See Report). It was the consensus of the Board to accept the report.

Staff Reports: A. Guerrero reported to the Board. (See Report). Adrian announced that Kolton Colhouer has been rehired as a full-time employee. It was the consensus of the Board to accept the report.

J. Martin reported to the Board. (See Report). It was the consensus of the Board to accept the report.

R. Byrd reported to the Board. (See Report). It was the consensus of the Board to accept the report.

L. Davies reported to the Board. (See Report). Linda introduced new employee Sara Busby, RN Investigator. It was the consensus of the Board to accept the report.

Committee Reports:

Educ. Comm. Report: A. Hite, chairperson gave the Education Committee report. (See committee report) The Education Committee report was accepted by consensus of the Board.

It was moved to approve the Consent Item Agenda which includes:

- a. Nursing Education Staff Report
- b. 2025 Site Visit schedule
- c. Petition Summary 2/21/25 through 5/21/25 (3 petitioners) from the onsite packet.

Motion #3 Hite/Oropeza Adopted UYVV.

It was moved to accept the follow-up after first graduation site visit report for Galen College of Nursing ADN program and approve for five years. Motion #4 Hite/Oropeza Adopted UYVV.

It was moved to accept the focused reapproval site visit report for Flint Hills Technical College, PN program, and to approve the program for a time period of five years. Motion #5 Hite/Oropeza Adopted UYVV.

It was moved to accept the initial site visit report for Cloud County Community College PN level program with a follow up visit for the PN level to be done in conjunction with the next ADN site visit in Spring 2027. Motion #6 Hite/Burkhart Adopted UYVV.

It was moved to accept the Major Curriculum Change request from Wichita State University (Undergraduate, BSN and ABSN program) to incorporate CCEN's 2021 New Essentials, which includes new courses and elimination and integration of previous courses which aligns with KBOR's universal, pre-nursing transfer requirements as presented. Motion #7 Hite/Terry Adopted UYVV.

It was moved to approve the Major Curriculum Change request from the University of Saint Mary MSN graduate program to 1) separate clinical hours and didactic hours for all NP courses, 2) drop the NUFPP from FNP courses and revert to the division standard NU and 3) remove the lab credit from NUFPP 785 and NU 796 and replace it in didactic. Motion #8 Hite/Burkhart Adopted UYVV.

It was moved to approve the Major Curriculum Change request from Butler Community College to grant IV Therapy Certification for students in the 1st level of the program who successfully complete all IV therapy requirements and pass their NCLEX-PN. Motion #9 Hite/Terry Adopted UYVV.

It was moved to approve the Major Curriculum Change request from Manhattan Area Technical College to change all clinical courses in the PN program from Pass/Fail to a graded format to align with the didactic courses. Motion #10 Hite/Terry Adopted UYVV.

It was moved to approve the Major Curriculum Change request from the University of Kansas to change the delivery method to either in-person, online, or hybrid modality for NURS 472 Evidence-Based Practice: Translating Research to Practice. Motion #11 Hite/Terry Adopted UYVV.

It was moved to approve the Major Curriculum Change request from Washburn University to:

- Retire NU850 Advanced Psychiatric Mental Health Nursing I, 3 credits, and replace with NU851 Advanced Psychiatric Mental Health Nursing I with lab 4 credits with new course description outcomes
- Reduce credit hours NU857 Advanced Practice Psychiatric Mental Health Nursing Practicum from 6 to 4 and add new

course NU865 Psychotherapeutic Interventions Practicum 2 credits with new course description and outcomes.

- Change credit to clock hour ratio 1 credit = 60 clock hours to 1 credit = 75 clock hours which will affect NU857, NU865, NU859, Advance Psychiatric Nursing Special Focus Practicum.
- Update course description and outcomes for NU857 and NU859.

Motion #12 Hite/Gouldsmith Adopted UYVV.

It was moved to approve the Major Curriculum Change request from Fort Scott Community College:

- 1) To change the in-course sequencing, leveling and distribution of Medical Surgical Nursing content across 3 semesters (instead of 2) without a change in total credit hours;
- 2) Move all courses to face-to-face with the exception of NSG2542 Nursing Leadership and Management, which will be a hybrid course; and
- 3) Move to an annual admission process in the Fall (no spring admits) after a site visit is done to confirm all recommendations are complete per board action.

Motion #13 Hite/Oropeza Adopted UYVV.

It was moved to approve the Major Curriculum Change request from the University of Saint Mary BSN program to all hybrid (remote synchronous and asynchronous) presentation of BSN content and add an additional spring start date with no increase to approved number of annual admissions.

Motion #14 Hite/Burkhart Adopted UYVV.

It was moved to approve the Major Curriculum Change request from WSU Tech ADN program to decrease the number of admits to the PN program from 80 to 55 each semester (up to 110 annually) and expand the ADN level by 30 seats and allow for a spring admission which would offer 60 seats annually.

Motion #15 Hite/Oropeza Adopted UYVV.

Investigative Report:

J. Rieschick, chairperson gave the Investigative Committee report. (See committee report) The Investigative Committee report was accepted by consensus of the Board.

President Watson to Vice-President Hite

CNE/IV Therapy Report:

A. Watson, chairperson gave the CNE/IV Therapy Committee report. (See committee report) The CNE/IV Therapy Committee report was accepted by consensus of the Board.

It was moved to approve the Consent Item Agenda which includes:

1. IOA Statistical Report
2. Single Providers Approved 03/25 – 05/25
3. Provider Relinquishments

Motion #16 Watson/Oropeza Adopted UYVV.

It was moved to deny the Long-Term Provider 5-Year Renewal Application from B.E. Education Group LLC, LT0258-0310, and return to provider with comments.

Motion #17 Watson/Oropeza Adopted UYVV.

It was moved to approve the Long-Term Provider 5-Year Renewal Application from Case Management Society of America Kansas City (CMSA-KC), LT0206-0606.

Motion #18 Watson/Oropeza Adopted UYVV.

It was moved to approve the Long-Term Provider 5-Year Renewal Application from Interim Healthcare, LT0305-0620 with request for certificate template or example submission.

Motion #19 Watson/Burkhart Adopted UYVV.

It was moved to approve the Long-Term Provider 5-Year Renewal Application from Salina Surgical Hospital, LT0707-0606.

Motion #20 Watson/Oropeza Adopted UYVV.

Vice-President Hite to President Watson

APRN Committee: M. Oropeza, chairperson gave the APRN Committee report. (See Committee Report) The APRN Committee report was accepted by consensus of the Board.

Practice Report: M. Terry, vice-chairperson gave the Practice Committee report. (See Committee Report) The Practice Committee report was accepted by consensus of the Board.

It was moved to approve the Consent Item Agenda which included:

1. Practice Calls Report.

Motion #21 Terry/Oropeza Adopted UYVV.

President Watson to Vice-President Hite

Finance/Risk Mgmt Report: A. Watson chairperson gave the Finance and Risk Management Committee report. (See Committee Report) The Finance and Risk Management Committee report was accepted by consensus of the Board.

Vice-President Hite to President Watson

Break: 10:55 a.m.

Open Session: 11:05 a.m.

Annual Educ. Program Data: Carol discussed that during the March 2025 Board meeting there was some discussion about our nursing education program data that KSBN reports to the National Council of State Boards of Nursing (NCSBN) as part of the annual report that the KSBN nursing programs turn in each year. There was some interest in seeing if we could do our own report with NCSBN's help that would just cover Kansas. Brendan Martin, Director of Research at NCSBN is here today to report on the Annual Education Program Data process for NCSBN. The consensus of the Board is to proceed and work with NCSBN on this process.

Lunch Break: 11:30 a.m.

Open Session: 12:23 p.m.

Unfinished Business:

Nurse Midwives: C. Moreland reported that during the Practice Committee yesterday there was a presentation by Deidre DeGrado, CPM from Kansas Midwives Alliance on the Role, Functions, Education and Certification of a Certified Professional Midwife (CPM).

2025 Strategic Plan Draft: C. Moreland reported on the 2025 Strategic Plan Draft for July 1, 2025 through June 30, 2028.

It was moved to approve the 2025 Strategic Plan Draft for July 1, 2025 through June 30, 2028.
Motion #22 Gouldsmith/Burkhart Adopted UYVV.

Licensure Fee Increase: C. Moreland reported on the Licensure Fee Increase Proposal.

It was the consensus of the Board to bring back to the September Board meeting additional data on what other states of nursing are charging for a comparison.

New Business:

Retreat for 2026: A. Guerrero discussed the possibility of a retreat for 2026 for strategic planning and/or educational purposes.

Approved September 10, 2025

June 11, 2025 Board Meeting

Annual Report: C. Moreland gave an update on the FY24 Annual Report that was in the Board on-site packet. It was the consensus of the Board to accept the FY24 Annual Report as written.

Agenda for September 2025 Board:

- 1) June 11, 2025, Board minutes
- 2) Revised Regulation Combined Process
- 3) End of Life Licensing Software
- 4) Fee Refunds

Adjourn: The Board meeting was adjourned at 1:21 p.m.

Andrea Watson, Board President

Date

Michelle Terry, Secretary

Date

Carol Moreland, Executive Administrator

Date

**Kansas State Board of Nursing
Board Meeting Minutes
September 10, 2025**

- Time:** 9:16 a.m. – 3:21 p.m.
- Board Members:** **Present in Person**
 Andrea Watson, RN, BSN, OCN, CCRP, President
 Amy Hite, EdD(c), DNP, FNP-C, Vice President
 Michelle Terry, Public Member, Secretary
 Melissa Oropeza, DNP, APRN-BC, CGRN
 Adri Gouldsmith, LPN
 Steven Peterson, BSN, RN, CCRN, MEDSURG-BC
 Tosha Fields, MSN, RN, LNHA, LNC
 Ruth L.M. Burkhart, DNP, MA, RN-BC, LPCC
 Belinda Katz, LPN
 Brenda Sharpe, Public Member
- Staff Present in Person:** Carol Moreland, MSN, RN, Executive Administrator
 Adrian Guerrero, Director of Operations
 Linda Davies, BSN, RN, Practice Specialist
 Janelle Martin, MHSA, RN, Nursing Education Compliance Officer
 RaeAnn Byrd, Licensing Supervisor
 Jill Simons, Executive Assistant
- Quorum:** A quorum was established.
- Call to order:** The Board meeting was called to order by Andrea Watson, RN, BSN, OCN, CCRP, Board President, at 9:16 a.m.
- Review onsite packet:** There was nothing for the onsite packet.
- Add/Revise Agenda:** There were two Executive Sessions added to the agenda and under Unfinished Business, Item 1, Licensure Fee Increase Proposal was tabled until 2026.

 It was moved to approve the agenda as amended.
 Motion #1 Sharpe/Burkhart Adopted UYVV.
- Announcement:** A. Watson welcomed Steven Peterson, Belinda Katz and Tosha Fields as new members of the Board.
- Minutes:** The minutes from the June 11, 2025, board meeting were reviewed. It was moved to approve the minutes from the June 11, 2025, board meeting as written.
 Motion #2 Sharpe/Gouldsmith Adopted UYVV.

The minutes from the August 8, 2025, board meeting were reviewed. It was moved to approve the minutes from the August 8, 2025, board meeting as written.

Motion #3 Terry/Burkhart Adopted UYVV.

Consent Item Agenda:

There was no Consent Item Agenda.

Exec. Admin. Report:

C. Moreland reported to the Board. (See Report). It was the consensus of the Board to accept the report.

Staff Reports:

A. Guerrero reported to the Board. (See Report). It was the consensus of the Board to accept the report.

R. Byrd reported to the Board. (See Report). It was the consensus of the Board to accept the report.

J. Martin reported to the Board. (See Report). It was the consensus of the Board to accept the report.

L. Davies reported to the Board. (See Report). It was the consensus of the Board to accept the report.

Committee Reports:**Educ. Comm. Report:**

A. Hite, chairperson gave the Education Committee report. (See committee report) The Education Committee report was accepted by consensus of the Board.

It was moved to approve the Consent Item Agenda which includes:

- a. Nursing Education Staff Report
- b. Complaint Log – Education
- c. 2025 and 2026 Site Visit schedules
- d. Petition to Test/Retest Summary 5/13/25 through 8/12/25.

Motion #4 Hite/Gouldsmith Adopted UYVV.

It was moved to accept the initial site visit report for Chamberlain University BSN program with initial approval to admit up to 120 students annually with three start times (Sept., Jan. and May), and a follow up site visit to be done after the first graduation and before requesting additional students.

Motion #5 Hite/Oropeza Adopted UYVV.

It was moved to accept the Major Curriculum Change request from Rasmussen University BSN program to align with the CCNE Standards and update the student learning outcomes to align with the 10 “Domains for Nursing” as part of the new 2021 AACN Essentials.

Motion #6 Hite/Burkhart Adopted UYVV.

It was moved to approve the Major Curriculum Change request from Rasmussen University BSN program to increase the number of admitted students from 10 to 20 students per quarter at the Overland Park campus, while maintaining the enrollment of 10 students per quarter at the Topeka campus, starting in January 2026.

Motion #7 Hite/Terry Adopted UYVV.

It was moved to approve the Major Curriculum Change request from Fort Hays State University BSN program to change to the BSN program outcomes incorporating the 2021 AACN Essentials Domains and Concepts with changes to course titles, course descriptions and course outcomes within the BSN program as needed to incorporate the 2021 AACN Essentials Domains and Concepts.

Motion #8 Hite/Terry Adopted UYVV.

It was moved to accept the Major Curriculum Change request from Fort Hays State University DNP program change to incorporate the 2021 AACN Essentials Domains and Concepts with changes to course titles, course descriptions and course outcomes within the DNP program as needed to incorporate the 2021 AACN Essentials Domains and Concepts.

Motion #9 Hite/Burkhart Adopted UYVV.

It was moved to accept the Major Curriculum Change request from Ottawa University to divide Pharmacology into 2 courses:

- Introduction to Pharmacology Term 2 (2 credit hours)
- Pharmacology Term (3 credit hours)

And to decrease Capstone from (6) to (4) hours with no change in overall didactic hours, remains at (60).

Motion #10 Hite/Terry Adopted UYVV. Burkhart abstained.

It was moved to approve the Major Curriculum Change request from the Highland Community College LPN program to:

- Reduce NUR 126 Foundations Clinical from 2 credit hours to 1 credit hour.
- Add 1 credit hour to NUR 103, PN Success, making it a 2-credit hour class.
- Add a 1 credit hour Concept Synthesis course to the LPN program that would begin in Spring 2026.

Motion #11 Hite/Oropeza Adopted UYVV.

It was moved to approve the Major Curriculum Change request from Highland Community College LPN-RN Bridge program to:

- Increase RN seats by 15 and add a fall admission to the program to begin Fall of 2026.
- Increase LPN-RN curriculum by 3 credit hours by:
 - Reducing NUR 235 Mental Health from 3 to 2 credit hours and create a separate 1 credit hour course for Mental Health Clinical.
 - Reducing NUR 230 Advanced Medical Surgical from 6 to 4 credit hours and create a separate 2 credit hour clinical course.
 - Reduce NUR 225 Advanced Assessment from 4 to 3 credit hours.
 - Increase NUR 220 Transitions class from 1 to 2 credit hours.
 - Reduce NUR 250 Practicum (clinical) from 4 to 3 credit hours.
 - Add a 3-credit hour Advanced Pharmacology course and add a 1 credit hour Concept Synthesis course.

Motion #12 Hite/Peterson Adopted UYVV.

Investigative Report:

A. Gouldsmith, vice-chairperson gave the Investigative Committee report. (See committee report) The Investigative Committee report was accepted by consensus of the Board.

President Watson to Vice-President Hite

CNE/IV Therapy Report:

A. Watson, chairperson gave the CNE/IV Therapy Committee report. (See committee report) The CNE/IV Therapy Committee report was accepted by consensus of the Board.

It was moved to approve the Consent Item Agenda which includes:

1. IOA Statistical Report
2. Single Providers Approved 05/25 – 08/25
3. Provider Relinquishments

Motion #13 Watson/Oropeza Adopted UYVV.

It was moved to approve the Long-Term Provider 5-Year Renewal Application from B.E. Education Group LLC, LT0258-0310 with a recommendation to ensure teaching with updated references.

Motion #14 Watson/Burkhart Adopted UYVV.

It was moved to approve the Long-Term Provider 5-Year Renewal Application from Olathe Public School District Health Services, LT0242-0950.

Motion #15 Watson/Terry Adopted UYVV.

It was moved to approve the Initial Long-Term Provider Application from Nurse Gwenny, LLC, with a recommendation to include APRN in statement (if applicable) and update the bibliography to clarify age of resources.

Motion #16 Watson/Peterson Adopted UYVV.

Vice-President Hite to President Watson

APRN Committee: M. Oropeza, chairperson gave the APRN Committee report. (See Committee Report) The APRN Committee report was accepted by consensus of the Board.

Practice Report: M. Terry, vice-chairperson gave the Practice Committee report. (See Committee Report) The Practice Committee report was accepted by consensus of the Board.

President Watson to Vice-President Hite

Finance/Risk Mgmt Report: A. Watson chairperson gave the Finance and Risk Management Committee report. (See Committee Report) The Finance and Risk Management Committee report was accepted by consensus of the Board.

Vice-President Hite to President Watson

Break: 11:16 a.m.

Open Session: 11:31 a.m.

Executive Session: Pursuant to K.S.A. 75-4319(b)(2), it was moved that the Board recess into executive session for 10 minutes and reconvene at 11:42 a.m. The meeting will reconvene in Room 509 in the Landon State Office Building and remotely by Zoom as stated in the notice of the meeting that was sent to individuals who requested the notice and as published on the Board's website at: www.ksbn.kansas.gov.

The justification is consultation with the Board's legal counsel, Assistant Attorneys General Charles Macheers, and Jesse Burris that would be deemed privileged in the attorney-client relationship. The subject matter to be discussed in the executive session concerns legal issues related to internal procedures and statutory compliance. The Board's Executive Administrator, Carol Moreland, and Adrian Guerrero are included as the client.

Motion #17 Terry/Fields Adopted UYVV.

Open Session: 11:42 a.m.

Lunch Break: 11:44 am

Open Session: 12:27 p.m.

Unfinished Business:

LPA Evaluating Agencies: C. Moreland reported on the Legislative Post Audit (LPA) on Evaluating State Agencies' Registries of Perpetrators of Abuse, Neglect and Exploitation.

K.S.A. 74-1112: C. Moreland reported on the K.S.A. 74-1112 draft revision. During the FBI audit it was discovered that this regulation did not include statutory authority for KSBN to do criminal background checks on APRN's and RNA's. K.S.A. 74-1112 is being revised to add the statute to include the language to include APRN's and RNA's.

The consensus of the Board is to start the process to revise K.S.A. 74-1112 as mentioned above.

Statue and Reg Review: C. Moreland reported on the five-year combined statute and regulation review process.

New Business:

End of Life Software: A. Guerrero reported on the End of Life Licensing Software. We will have to be off our current platform which is MyLicense Office software by June 30, 2027. We have started the process of getting quotes, etc. and plan to bring the information before the Finance and Risk Management Committee in December.

60-3-102 and 60-7-102: C. Moreland reported on K.A.R. 60-3-102 and K.A.R. 60-7-102. This was put on the agenda as these are regulations that could be revoke. Because of practice changes KSBN no longer issue duplicate initial licenses and no longer issue paper card licenses. This can now be done by going to our website to print a copy.

It was moved to revoke K.A.R. 60-3-102 and K.A.R. 60-7-102.
Motion #18 Terry/Sharpe Adopted UYVV.

Executive Session: Pursuant to K.S.A. 75-4319(b)(2), it was moved that the Board recess into executive session for 60 minutes and reconvene at 1:55 p.m. The meeting will reconvene in Room 509 Landon State Office Building and remotely by Zoom as stated in the notice of the meeting that was sent to individuals who requested the notice and as published on the Board's website at www.ksbn.kansas.gov.

The justification is consultation with the Board's legal counsel Assistant Attorneys General Charles Macheers, Jesse Burris, Sydney Winslow, Samantha Harrington, and Rachel Kenney-Townsend that would be deemed privileged in the attorney-client relationship. The subject matter to be discussed in the executive session concerns legal issues related to internal procedures and statutory compliance. The Board's Executive Administrator, Carol Moreland, Linda Davies and Adrian Guerrero are included as the client.

Motion #19 Hite/Burkhart Adopted UYVV.

Open Session: 1:55 p.m.

Executive Session: Pursuant to K.S.A. 75-4319(b)(2), it was moved that the Board recess into executive session for 60 minutes and reconvene at 2:55 p.m. The meeting will reconvene in Room 509 Landon State Office Building and remotely by Zoom as stated in the notice of the meeting that was sent to individuals who requested the notice and as published on the Board's website at www.ksbn.kansas.gov.

The justification is consultation with the Board's legal counsel Assistant Attorneys General Charles Macheers, Jesse Burris, Sydney Winslow, Samantha Harrington, and Rachel Kenney-Townsend that would be deemed privileged in the attorney-client relationship. The subject matter to be discussed in the executive session concerns legal issues related to internal procedures and statutory compliance. The Board's Executive Administrator, Carol Moreland, Linda Davies and Adrian Guerrero are included as the client.

Motion #20 Terry/Gouldsmith Adopted UYVV.

Open Session: 2:55 p.m.

It was moved that the Board delegate to the Chair the authority to review and approve an internal policy regarding cases with evidence of violation of K.S.A. 65-1120 and K.A.R. 60-3-110, section w, to be ratified by the Board in the December 2025 meeting.

Motion #21 Sharpe/Gouldsmith Adopted UYVV.

Election of Officers: It was the consensus of the Board that if you are not re-elected you will continue in your position until today's meeting is adjourned, and new officers elected at today's meeting will assume their roles as of the December 2025 board meeting.

President: Adri Gouldsmith nominated Andrea Watson for president. Nominations cease. It was moved to elect Andrea Watson as

President. Motion #22 Gouldsmith/Sharpe Adopted UYVV. Watson abstained.

Vice President: Adri Gouldsmith nominated Steven Peterson for vice president. Nominations cease. It was moved to elect Steven Peterson as Vice President. Motion #23 Gouldsmith/Hite Adopted UYVV. Peterson abstained.

Secretary: Adri Gouldsmith nominated Michelle Terry for secretary. Nominations cease. It was moved to elect Michelle Terry as Secretary. Motion #24 Gouldsmith/Hite Adopted UYVV. Terry abstained.

Annual Delegation Motions: It was moved that, pursuant to K.S.A. 2023 Supp. 77-527 of the Kansas Administrative Procedure Act, the Board designate and delegate to Board President its authority as agency head to review, decide, and issue any orders concerning petitions for review, petitions for reconsideration, and motions for stay filed with the Board and taking any other action related thereto until further action by the Board. Motion #25 Terry/Burkhart Adopted UYVV

It was moved that, should Board President be unable to serve as agency head, the Board designate Vice President to serve as an alternate agency head and, in such circumstances, the Board delegate Vice President its authority pursuant to K.S.A. 2023 Supp. 77-527 of the Kansas Administrative Procedure Act to review, decide, and issue any orders concerning petitions for review, petitions for reconsideration, and motions for stay filed with the Board and taking any other action related thereto until further action by the Board. Motion #26 Terry/Sharpe Adopted UYVV

It was moved that the Board designate and delegate to the Chair of the Investigative Committee the Board's authority to:

(1) Make a reasonable grounds determination pursuant to K.S.A. 65-1120(b), and amendments thereto, of the Kansas Nurse Practice Act regarding matters that have been recommended for emergency proceedings by staff or counsel; and

(2) Act as Presiding Officer pursuant to K.S.A. 77-514(g) and 77-551(a) and (c) and amendments thereto, of the Kansas Administrative Procedures Act, to conduct emergency proceedings and issue an order as required by K.S.A. 77-536 on all matters that are being or have been investigated for any alleged violation of or compliance with the Kansas Nurse Practice Act or regulations adopted thereunder, unless the Chair of the Investigative Committee determines the emergency

proceeding should be conducted and decided by the Investigative Committee. Motion #27 Terry/Hite Adopted UYVV

Subject to motion number 27 regarding delegation to the Chair of the Investigative Committee, It was moved that if the Chair of the Investigative Committee is not available to act as described in motion number 27, the Vice Chair of the Investigative Committee is so designated and delegated to act as described in motion number 27.

Motion #28 Terry/Hite Adopted UYVV

It was moved that the Board designate and delegate to the Chair of the Investigative Committee the Board's authority to:

(1) Issue to an applicant meeting the qualifications and requirements of the Kansas Nurse Practice Act and the Nurse Licensure Compact Act any license, certificate of qualification or authorization to practice nursing;

(2) Conduct hearings, enter into settlements, issue, and amend decisions regarding the assessment of fines pursuant to K.S.A. 74-1110 and amendments thereto, involving an allegation that a person who submitted an initial, renewal, endorsement, or reinstatement application for any license, certificate of qualification or authorization to practice nursing has violated or not complied with the Kansas Nurse Practice Act or regulations adopted thereunder;

(3) Make a reasonable grounds determination pursuant to K.S.A. 65-1120(b), and amendments thereto, regarding applications that are being investigated or have been investigated for any alleged violation of or compliance with the Kansas Nurse Practice Act or regulations promulgated thereunder by the Board;

(4) Order Applicant(s) to complete evaluation by the Board's impaired provider committee, pursuant to K.S.A. 65-4924(a) and (d).

(5) Act as Presiding Officer pursuant to K.S.A. 77-514(g) and 77-551(a) and (c) and amendments thereto, of the Kansas Administrative Procedures Act, to review, decide issue, and amend any orders on matters involving all applications whether initial, renewal, endorsement, or reinstatement for any license, certificate of qualification or authorization to practice nursing that have been investigated for any alleged violation of or compliance with the Kansas Nurse Practice Act or regulations adopted thereunder; such delegation includes, but is not limited to:

- sending warning or reprimand letters:

- entering into settlement agreements;
- conducting KAPA proceedings and hearings;
- issuing prehearing orders;
- issuing initial orders denying or imposing limitations on any license, certificate, or authorization to practice nursing under the Kansas Nurse Practice Act; and
- taking any other action related thereto

unless the President determines the matter should be sent to the Office of Administrative Hearings for further proceedings or considered and decided by the Investigative Committee.

(6) Review and approve or deny an Applicant's request to receive accommodations while taking a Board approved Nurse Licensure Exam and/or the NCLEX exam.

Motion #29 Hite/Katz Adopted UYVV

Subject to motion number 29 regarding delegation to the Chair of the Investigation Committee, It was moved that if the Chair is not available, the Vice Chair of the Investigative Committee is so designated and delegated to act as described in motion number 29.

Motion #30 Terry/Peterson Adopted UYVV

Subject to motion number 29 regarding delegation of Applications and motion number 27 regarding delegation of emergency proceedings, It was moved that the Board designate and delegate to the Investigative Committee its authority to:

(1) Conduct hearings, enter into settlements, issue and amend decisions regarding the assessment of fines pursuant to K.S.A. 74-1110 and amendments thereto, involving an allegation that a person who was granted a license, certificate of qualification or authorization to practice nursing has violated or not complied with the Kansas Nurse Practice Act and or regulations adopted thereunder;

(2) Make a reasonable grounds determination pursuant to K.S.A. 65-1120(b), and amendments thereto, of the Kansas Nurse Practice Act regarding persons who were granted a license, certificate of qualification or authorization to practice nursing and are being investigated or have been investigated for any alleged violation of or compliance with the Kansas Nurse Practice Act or regulations adopted thereunder; and

(3) Order Licensee(s) to complete evaluation by the Board's impaired provider committee, pursuant to K.S.A. 65-4924(a) and (d).

(4) Act as Presiding Officer pursuant to K.S.A. 2018 Supp. 77-514(g) and 77-551(a) and (c) and amendments thereto, of the Kansas Administrative Procedures Act, to review, decide issue and amend any orders on all matters that have been investigated for any alleged violation of or compliance with the Kansas Nurse Practice Act or regulations adopted thereunder; such delegation includes, but is not limited to:

- sending warning or reprimand letters;
- entering into settlement agreements;
- conducting reviews, proceedings and hearings;
- issuing prehearing orders;
- issuing initial orders that censure, revoke, limit, or suspend any license, certificate, or authorization to practice nursing under the Kansas Nurse Practice Act; and
- taking any other action related thereto unless the Investigative Committee determines that the matter should be sent to the Office of Administrative Hearings for conducting further proceedings and issuing an initial order or considered and decided by the Board.

Motion #31 Terry/Oropeza Adopted UYVV

It was moved that, should a Board member serving on the Investigative Committee be unable to serve as a presiding officer in a matter pending before the Investigative Committee, Secretary is designated and delegated as an alternate presiding officer of the Investigative Committee in that pending matter.

Motion #32 Terry/Burkhart Adopted UYVV

It was moved that the Board designate and delegate to the Chair of the Investigative Committee the Board's authority to:

(1) Conduct hearings, enter into settlements, and issue decisions regarding the assessment of fines pursuant to K.S.A. 74-1110 and amendments thereto, involving an allegation that a licensee has violated or not complied with the Kansas Nurse Practice Act, or regulations adopted thereunder, for failing to submit to a mental or physical examination or an alcohol or drug screen, or any combination of these, when so ordered by the board pursuant to K.S.A. 65-4924, or failing to complete the requirements of the impaired provider program of the board, or for failing to meet the requirements of the Nurse Licensure Compact.

(2) Make a reasonable grounds determination pursuant to K.S.A. 65-1120(b), and amendments thereto, regarding licensees that are being investigated or have been investigated for failing to submit to a mental or physical examination or an alcohol or drug screen, or any

combination of these, when so ordered by the board pursuant to K.S.A. 65-4924, or failing to complete the requirements of the impaired provider program of the board, or for failing to meet the requirements of the Nurse Licensure Compact; and

(3) Act as Presiding Officer pursuant to K.S.A. 77-514(g) and 77-551(a) and (c) and amendments thereto, of the Kansas Administrative Procedures Act, to review, decide and issue any orders on matters involving all licensees that have been investigated for any alleged violation of or noncompliance with the Kansas Nurse Practice Act or regulations adopted thereunder; regarding the failure to submit to a mental or physical examination or an alcohol or drug screen, or any combination of these, when so ordered by the board pursuant to K.S.A. 65-4924, or failing to complete the requirements of the impaired provider program of the board, or for failing to meet the requirements of the Nurse Licensure Compact. such delegation includes, but is not limited to:

- sending warning or reprimand letters;
- entering into settlement agreements;
- conducting KAPA proceedings and hearings;
- issuing prehearing orders;
- issuing initial orders denying or imposing limitations on any license, certificate, or authorization to practice nursing under the Kansas Nurse Practice Act; and
- taking any other action related thereto

unless the President determines the matter should be sent to the Office of Administrative Hearings for further proceedings or considered and decided by the Investigative Committee.

(4) Make referrals, cause evaluations, or grant requests for restrictions pursuant to K.S.A. 65-4924.

(5) Review and approval/deny requests from the Board's impaired provider committee to approve a change in a Licensee's program participation or requirements for the program.

Motion #33 Terry/Peterson Adopted UYVV

Pursuant to K.S.A. 65-1120(b), K.S.A. 65-1166, K.S.A. 74-1106(d), It was moved the Board designate and delegate to the Executive Administrator the Board's authority to request documents pursuant to any matter being investigated by the Board or their staff, including requests under the Privacy Act, 5 U.S.C. § 552a(b)(7).

Motion #34 Terry/Gouldsmith Adopted UYVV

Agenda for December 2025 Board:

- 1) August 29, 2025, Board minutes
- 2) September 10, 2025, Board minutes
- 3) LPA Cybersecurity Audit Update
- 4) K.S.A. 74-1112 Draft Revisions Update
- 5) End of Life Licensing Software Update
- 6) Five-Year Combined Statute and Regulations Review

Adjourn: The Board meeting was adjourned at 3:21 p.m.

Andrea Watson, Board President

Date

Michelle Terry, Secretary

Date

Carol Moreland, Executive Administrator

Date