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KENTUCKY BOARD OF NURSING

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Andy Beshear
Governor

October 23, 2020

Emily Caudill, Regulations Compiler
Legislative Research Commission
Capital Annex Room 29
702 Capitol Avenue
Frankfort, KY 40601

Re: Agency Amendments to 201 KAR 20:065 (Professional Standards for Prescribing Buprenorphine-MonoProduct or Buprenorphine-Combined-with-Naloxone by APRNs for Medication Assisted Treatment for Opioid Use Disorder) Pursuant to KRS 13A.320

Dear Ms. Caudill:

After discussion with Sen. Alvarado regarding issues raised by 201 KAR 20:065, the Kentucky Board of Nursing proposes the attached agency amendments to 201 KAR 20:065 pursuant to KRS 13A.320(1)(a) and (2)(a), for consideration by IJC-HWFS on October 28, 2020.

Sincerely,

A handwritten signature in cursive script that reads "Morgan G. Ransdell".

Morgan G. Ransdell, General Counsel
Kentucky Board of Nursing
312 Whittington Parkway, Suite 300
Louisville, KY 40222
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Enclosures

Agency Amendment
Boards and Commissions
Kentucky Board of Nursing

201 KAR 20:065. Professional standards for prescribing Buprenorphine-MonoProduct or Buprenorphine-Combined-with-Naloxone by APRNs for medication assisted treatment for opioid use disorder.

Page 1
Section 1(2)
Lines 18 – 21

After “Naloxone.”, insert

(3) “Mental health counseling” means the provision of guidance, by a qualified health professional as defined at KRS 202A.011(12), to the individual through the utilization of methodologies such as the collection of case history data, valid and reliable screening tools, and psychological techniques such as the personal interview.

Page 2
Section 2(2)(b)
Line 10

After “(SAMHSA)”, delete “Sponsored” and insert “approved” in lieu thereof.

Page 3
Section 2(7)
Lines 4 – 7

After “(7)”, delete

“DEA-registered APRNs acting within the United States, which include DATA 2000-waivered practitioners, are exempt from the in-person medical evaluation requirement as a prerequisite to prescribing or otherwise dispensing controlled substances via the Internet if the practitioner is engaged in the practice of telemedicine as defined under 21 U.S.C. § 802(54).”

Line 8
Delete “(8)”.

Page 5
Section 3(4)(a)(1)
Line 8

After “patient;”, insert “and”

Line 9
After “which”, delete “may” and insert “shall” in lieu thereof.

Line 11
Delete “and”.

Line 12

Delete “g. An evaluation by a mental health provider with expertise in addiction and compliance with the recommendations of the evaluator.”

Page 6

Section 3(4)(a)(8)

Lines 9 – 11

After “incorporates”, insert

“an evaluation by a qualified mental health professional as defined at KRS 202A.011(12), with expertise in addiction, and compliance with the recommendations of the evaluator with ninety (90) days initiating treatment, and”

Line 12

After “including”, insert “mental health”

Page 7

Section 3(4)(c)

Line 16

After “presence”, insert “or absence”

Page 11

Section 3(4)(j)

Lines 17 - 19

After “interval date”, insert

“. Replacement medication shall not be authorized by the APRN in the absence of an individual assessment, specific consideration of all prior instances of lost or stolen medication, and documented consultation with the patient”.

Page 12

Section 3(4)(k)

Line 3

After “shall”, insert “:”

Line 4

Before the word “Implement”, insert “1.”

Line 6

After “include”, insert “mental health”

Line 7

After “Facilitation”, insert “:”, delete the comma, and insert “and”

Lines 8 - 10

Insert

“2. Require the patient to obtain an evaluation by a qualified mental health professional as defined in KRS 202A.011(12), with expertise in addiction, within ninety (90) days of initiating treatment, and to comply with the evaluator’s recommendations.”

Section 4

Lines 13 - 14

After “complete”, delete the word “the” and insert, in lieu thereof, the words
“a total of four (4) hours annually in addiction disorders, including”,

Lines 14 - 15

After “hours”, delete “of continuing education required annually” and insert, in lieu thereof,
“in pharmacology as defined”, in lieu thereof

Line 15-16

After “Section 5(1)”, delete “(b) in addiction disorders”, and insert “(c)” in lieu thereof.