

201 KAR 9:360. Continuing education requirements for physician assistants.

RELATES TO: KRS 13B.125(3), 214.610, 214.620, 218A.205, 311.565(1)(b), 311.601, 311.842(1), 311.844, 311.850(1)(p), (s), 311.852, 620.020

STATUTORY AUTHORITY: KRS 218A.205(3)(i), 311.565(1)(a), (b), 311.601(1), (2), 311.842(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.601(1) authorizes the board to promulgate an administrative regulation that establishes requirements to ensure the continuing professional competency of licensees. KRS 311.842(1) authorizes the board to promulgate administrative regulations relating to the licensing and regulation of physician assistants. This administrative regulation establishes continuing medical education requirements for physician assistant licensees in Kentucky, including requirements for courses relating to the use of KASPER, pain management, and addiction disorders required for licensees who prescribe or dispense controlled substances in the Commonwealth of Kentucky.

Section 1. Continuing Medical Education. (1) At the time a licensee seeks to renew his or her license, the licensee shall certify that he or she has met the continuing education requirements for the two (2) year continuing education cycle using the Continuing Education Certification Form provided by the board and submitting it by the renewal deadline.

(2) The board may randomly require licensees submitting certification of continuing education to demonstrate satisfactory completion of the continuing education hours stated in the certification by providing verification documentation. If requested, the licensee shall provide verification within ten (10) days of receiving the request from the board.

Section 2. Required Hours of Continuing Education. (1) For each two (2) year renewal period and continuing education cycle, a licensee shall complete a minimum of 100 hours of continuing education approved by the following:

- (a) The American Medical Association;
- (b) The American Osteopathic Association;
- (c) The American Academy of Family Physicians;
- (d) The American Academy of Physician Assistants; or
- (e) Another entity approved by the board.

(2) If the licensee is authorized to prescribe or administer controlled substances, for each two (2) year continuing education cycle, the licensee shall complete, as part of the required 100 continuing education hours, a minimum of seven and one-half (7.5) hours of board-approved continuing education relating to:

- (a) Controlled substance diversion;
- (b) Pain management;
- (c) Addiction disorders;
- (d) The use of KASPER; or
- (e) Any combination of two (2) or more of these subjects.

(3) If the licensee is authorized to prescribe or administer Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone, the licensee shall complete, as part of the required 100 continuing education hours, a minimum of twelve (12) hours of board-approved continuing education relating to addiction medicine for each two (2) year continuing education cycle.

(4) A licensee shall not be granted authorization for prescriptive authority of controlled substances or Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone until he or she submits to the board proof of completion of the minimum hours of continuing education in subsections (2) and (3) of this section within the prior two (2) years.

(5)(a) To qualify as board-approved continuing education under subsections (2) and (3) of this section, the educational program shall have been approved in advance for the specified number of continuing education hours by the board.

(b) The board may approve an educational program that:

1. Consists of a live presentation;
2. Is presented by a live or recorded webinar; or
3. Is presented through an online module.

(c) The board shall maintain a current listing of approved continuing education programs on its official Web site, www.kbml.ky.gov.

Section 3. Continuing education related to pediatric abusive head trauma. Each licensee shall complete at least one and a half (1.5) hours of continuing education regarding the recognition and prevention of pediatric abusive head trauma in a course approved by the board pursuant to KRS 620.020, within the first two (2) years of initial licensure or prior to the expiration of first renewal cycle after the promulgation of this administrative regulation. These hours shall be counted toward the 100 continuing education hours required in Section 2 of this administrative regulation.

Section 4. Continuing education related to human immunodeficiency virus and acquired immunodeficiency syndrome. Each licensee shall complete at least one (1) hour of continuing education regarding the human immunodeficiency virus and acquired immunodeficiency syndrome within the first two (2) years of initial licensure or prior to the expiration of first renewal cycle after the promulgation of this administrative regulation. These hours shall be counted toward the 100 continuing education hours required in Section 2 of this administrative regulation.

Section 5. Sanctions. (1) Failure to complete the required number of continuing education hours for the required period or to submit the required written verification within the time specified within this administrative regulation shall constitute a violation of KRS 311.850(1)(p) and (s), which shall constitute an immediate danger to the public health, safety, or welfare, for the purposes of KRS 311.852 and 13B.125.

(2) If the board determines that a licensee has failed to complete the required continuing education hours within the time specified or has failed to provide the written verification of completion within the time specified, the appropriate inquiry panel or its chair shall promptly issue an emergency order suspending the licensee from practice or restricting that licensee from prescribing or administering controlled substances within the Commonwealth of Kentucky until the licensee has completed the required continuing education hours for that period and has provided written verification of completion to the board.

(3) An emergency order issued pursuant to subsection (2) of this section shall remain valid and in effect until the board has received written verification that the licensee has successfully completed the required continuing education hours for the time period specified. Upon receipt of the written verification, the panel or its chair shall immediately issue an order terminating the emergency order issued pursuant to this section.

(4) If a licensee who is affected by an emergency order issued pursuant to this section requests an emergency hearing pursuant to KRS 13B.125(3), the hearing officer conducting the emergency hearing shall affirm the emergency order if presented with written notification on board letterhead stating that the board has not received the required written verification that the licensee completed the required continuing education hours for the continuing medical education cycle by the deadline date for the cycle.

Section 6. Extensions of Time. (1) To request an extension of time, the licensee shall submit:

- (a) A completed Request for Extension to Complete Required CE Hours; and
- (b) The fee established in 201 KAR 9:041, Section 1(17).

(2) The board may grant an extension of time to a licensee who for sufficient cause has not yet received continuing education certification, following the submission of the items required by subsection (1) of this section. For the purposes of this subsection, sufficient cause shall include situations such as the following:

- (a) An illness;
- (b) Any event meeting the Family Medical Leave Act (FMLA) of 1993, 29 U.S.C. 2601 et seq., Pub.L. 103-3 criteria, and the federal regulations implementing the act, 29 C.F.R. Part 825;
- (c) Financial exigencies; or
- (d) Practice circumstances making it prohibitive to attend the courses.

(3)(a) A licensee who obtains an extension of time shall be granted an extension of six (6) months to come into compliance.

(b) If a licensee has not completed the continuing education requirements within the six (6) month extension established by this subsection, his or her license shall:

- 1. Be immediately suspended; and
- 2. Remain suspended until the licensee has submitted verifiable evidence that he or she has completed the continuing education requirements.

Section 7. A waiver of the requirements established by this administrative regulation shall not be granted.

Section 8. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Continuing Education Certification Form", 072020; and
- (b) "Request for Extension to Complete Required CE Hours", 072020.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. (39 Ky.R. 671; 1177; 1668; 2002; eff. 3-4-2013; 44 Ky.R. 265, 736, 905; eff. 11-15-2017; 45 Ky.R. 743; eff. 12-12-2018; 47 Ky.R. 473, 948; eff. 11-19-2020.)