

**BOARDS AND COMMISSIONS**  
**Board of Nursing**  
**(Amendment)**

**201 KAR 20:506. Nurse licensure compact.**

RELATES TO: KRS 314.475

STATUTORY AUTHORITY: KRS 314.131, 314.475

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.475, Article I(c)2 requires the Board of Nursing to review any rule adopted by the Interstate Commission of Nurse Licensure Compact Administrators pursuant to Article VIII of KRS 314.475 within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates by reference the rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators and the bylaws.

Section 1. The Kentucky Board of Nursing shall comply with all bylaws, rules, and administrative regulations of the Interstate Commission of Nurse Licensure Compact Administrators, which includes The Interstate Commission of Nurse Licensure Compact Administrators, Final Rules as of January 1, 2021 [2019], and Bylaws as of August 3, 2017, and as amended August 15, 2017.

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "The Interstate Commission of Nurse Licensure Compact Administrators, Final Rules", January 2021 [2019]; and

(b) "The Interstate Commission of Nurse Licensure Compact Administrators, Bylaws", August 2017.

(2)(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, Monday through Friday, 8 am to 4:30 p.m.; or

(b) This material may also be obtained on the Kentucky Board of Nursing's Web site at <https://kbn.ky.gov/apply/Pages/NLC/compact.aspx>.

(3) This material may also be obtained at:

(a) The Interstate Commission of Nurse Licensure Compact Administrators, 111 East Wacker Drive, Suite 2900, Chicago, IL 60601; or

(b) <https://www.ncsbn.org/nlcrules.htm> [~~enhanced-nlc-implementation.htm~~].

JESSICA WILSON, President

APPROVED BY AGENCY: February 18, 2021

FILED WITH LRC: February 25, 2021 at 2:36 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, May 24, 2021 at 10:00 a.m. (EST) in the office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed ad-

ministrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until end of day (11:59 p.m.) Monday, May 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Morgan Ransdell, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, phone (502) 415-3964, email Morgan.Ransdell@ky.gov.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Morgan Ransdell

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation implements KRS 314.475, the Nurse Licensure Compact.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because KRS 314.475, Article I(e)(2) requires rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 314.475, which requires this promulgation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by following the mandate contained in KRS 314.475, Article I(e)(2).

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment updates the material incorporated by reference, by replacing "The Interstate Commission of Nurse Licensure Compact Administrators, Final Rules", January 2019, with the "Interstate Commission of Nurse Licensure Compact Administrators, Final Rules", January 2021. Three new rules have been added, each of which is described below: Rule 408 – Federal Criminal Records; Rule 409 – Active Duty Military Personnel or Their Spouses; and Rule 502 – Dispute Resolution. Rule 408 does not modify existing law or KBN practices in any way, but merely codifies within compact rules the prohibition on the release of National Crime Information Center (NCIC) reports received by party states to the compact, even as between the Interstate Commission of Nurse Licensure Compact Administrators and party states to the compact. Rule 409 does not modify existing law or KBN practices in any way, but merely codifies within compact rules the recognition of an active duty military member's ability to designate any state in which the member is licensed as the primary state of residence during the period of service. Rule 502 sets the method for dispute resolution that applies when compact party states have a dispute related to the compact. It is very similar to the dispute resolution mechanism that existed under the prior iteration of the Nurse Licensure Compact.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary because KRS 314.475, Article I(e)(2) requires rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(c) How the amendment conforms to the content of the authorizing statutes: This amend-

ment conforms to the content of KRS 314.475, which requires this promulgation.

(d) How the amendment will assist in the effective administration of the statutes: This amendment assists in the effective administration of the statutes by following the mandate contained in KRS 314.475, Article I(e)(2).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 88,000 nurses licensed in Kentucky.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action is necessary.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost imposed by this administrative regulation, as nothing in the newly promulgated compact policies requires that any specific action be taken by KBN licensees.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Nothing in the newly promulgated compact policies requires that any specific action be taken by KBN licensees.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no additional cost, as the preexisting procedures of the Kentucky Board of Nursing comply with the new compact policies.

(b) On a continuing basis: There is no additional cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation? Agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is needed.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: It does not.

(9) TIERING: Is tiering applied? Tiering was not applied, as the changes apply to all equally.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Nursing.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314.131, 314.475.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? No additional cost.

(d) How much will it cost to administer this program for subsequent years? No additional cost.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: