

BOARDS AND COMMISSIONS
Board of Nursing
(Amended at ARRS Committee)

201 KAR 20:215. Continuing competency requirements.

RELATES TO: KRS 194A.540, 218A.205(3)(i), 314.011(12), 314.073, 314.991(1)-(3), 620.020(8)

STATUTORY AUTHORITY: KRS 218A.205(3)(i), 314.073, 314.131(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1), (2), and 314.073 require

Section 1. Definitions.

- (1) "Contact hour" means fifty (50) minutes of an approved, organized learning experience.
- (2) "Earning period" means November 1 through October 31 of a current licensure period.
- (3) "Preceptor" means a nurse with demonstrated competence in a specific clinical area who serves as a role model and mentor to assist in the development and validation of the competencies of a nursing student or new employee.

Section 2.

- (1) A licensee shall choose a method from Section 3 of this administrative regulation to validate his or her continued competency in nursing for each earning period.
- (2) A licensee shall maintain the documentation of the method chosen.
- (3) A licensee shall provide the documentation if directed by the board.

Section 3. Methods for continued competency validation as established in subsection (1) through (4) of this section shall be:

- (1) Fourteen (14) contact hours of continuing education, which shall:
 - (a) Be from a provider approved by the board pursuant to 201 KAR 20:220;
 - (b) Be completed during the earning period; and
 - (c) Include the continuing education required by Section 5 of this administrative regulation;
- (2) Current national certification or recertification and the continuing education required by Section 5 of this administrative regulation. The certification shall be related to the nurse's practice role and shall:
 - (a) Have been initially attained during the earning period;
 - (b) If issued for a period of time as evidenced by an expiration date, have been in effect during the entire earning period; or
 - (c) Have been recertified during the earning period;
- (3) The continuing education required by Section 5 of this administrative regulation and at least one (1) of the following during the earning period:
 - (a) Completion of a research project that is nursing-related:
 1. As principal investigator, coinvestigator, or project director;
 2. That is qualitative or quantitative in nature;
 3. That utilizes a research methodology;
 4. That increases knowledge, causes an improved outcome, or changes behavior; and
 5. That is evidenced by an abstract of the project, which includes a summary of the findings;
 - (b) Publication of an article in a peer-reviewed health-related journal; or
 - (c) Participation as a preceptor for at least one (1) nursing student or new employee:
 1. That has a preceptorship that shall be for at least 120 hours;

2. Requires a one (1) to one (1) relationship between the preceptor and the student or employee;
 3. Authorizes the preceptor to train more than one (1) student or employee and to combine the hours to total 120 hours; and
 4. Includes that the preceptorship shall be evidenced by submission of the Preceptor Continuing Education Verification Form completed by the educational institution or preceptor's supervisor; or
- (4)
- (a) Seven (7) hours of continuing education from a provider approved by the board pursuant to 201 KAR 20:220 and earned during the licensure period, which shall include the continuing education required by Section 5 of this administrative regulation if applicable; and
 - (b) A nursing employment evaluation that is satisfactory for continued employment. The nurse shall submit the Nursing Continuing Education Employment Evaluation Form, completed and signed by the nurse's supervisor or employer, which shall cover a period of at least six (6) months during the earning period.
- (5) Contact hours of continuing education earned for the methods of continued competency validation as established in subsection (1) or (4) of this section may earned by:
- (a)
 1. A nursing continuing education presentation that is:
 - a. Designed and developed by the presenter;
 - b. Presented to nurses or other health professionals;
 - c. Evidenced by a program brochure, course syllabi, or a letter from the offering provider identifying the licensee's participation as the presenter of the offering; and
 - d. Offered by a provider approved pursuant to 201 KAR 20:220.
 2. The number of contact hours that may be earned shall be twice the number of contact hours offered to an attendee of the presentation; or
 - (b) Successful completion of a postlicensure academic course at a college, university, or postsecondary vocational institution if relevant to nursing practice as determined by this subsection.
 1. Contact hours shall be calculated as follows:
 - a. One (1) semester or trimester hour of academic credit shall equal fifteen (15) contact hours; or
 - b. One (1) quarter hour of academic credit shall equal twelve (12) contact hours.
 2. The following courses shall be relevant to nursing practice:
 - a. A nursing course, designated by a nursing course number, and beyond the prelicensure curriculum of the individual licensee; or
 - b. An academic course that is applicable to the nurse's role and beyond the prelicensure curriculum of the individual licensee.
 3. A licensee may request course review for approval of applicable nursing content pursuant to Section 7 of this administrative regulation.
 4. If it is an academic course in which grades are given, the licensee shall achieve a grade of "C" or better, or a pass on a pass-fail grading system.

Section 4.

- (1) A licensee shall provide documentation of the method used to validate continued competency if the licensee is the subject of a disciplinary complaint.
- (2) A licensee shall provide documentation of the method used to validate continued competency if requested by the board pursuant to a random audit of licensees.

Section 5.

(1)

(a) Advanced practice registered nurses who do not have a Collaborative Agreement for Advanced Practice Registered Nurse's Prescriptive Authority for Controlled Substances (CAPA-CS) pursuant to KRS 314.042(10) or a waiver and registration issued by the United States Drug Enforcement Administration (DEA) to prescribe buprenorphine for the treatment of opioid use disorder shall earn a minimum of five (5) contact hours in pharmacology.

(b) Advanced practice registered nurses with a Collaborative Agreement for Advanced Practice Registered Nurse's Prescriptive Authority for Controlled Substances (CAPA-CS) pursuant to KRS 314.042(10) who do not have a waiver and registration issued by the DEA to prescribe buprenorphine for the treatment of opioid use disorder shall earn a minimum of five (5) contact hours in pharmacology, including at least one and one-half (1.5) contact hours on the dual subjects of pharmacology and either pain management or addiction disorders.

(c) Advanced practice registered nurses who have a waiver and registration issued by the DEA to prescribe buprenorphine for the treatment of opioid use disorder shall earn:

1. A minimum of five (5) contact hours annually in pharmacology, of which one and one-half (1.5) pharmacology hours shall be on the dual subjects of addiction disorders and pharmacology; and
2. An additional two and one-half (2.5) contact hours annually on addiction disorders.

(d) To qualify as pharmacology pursuant to KRS 314.073, content shall include drug specific information, safe prescribing practices, safe medication administration, prescribing methodologies, new administrative regulations, or similar topics.

(e) Objectives for the contact hours related to pharmacology shall be identified. Casual mention of medications or medical treatments shall not qualify.

(2) Sexual assault nurse examiners shall earn the continuing education required by 201 KAR 20:411, Section 8.

(3) Registered nurses and licensed practical nurses shall earn, within three (3) years of licensure, a minimum of one and one-half (1.5) contact hours in pediatric abusive head trauma as required by KRS 314.073(6), and a minimum of three (3) contact hours on domestic violence, and elder abuse, neglect, and exploitation as required by KRS 194A.540.

(4) Registered nurses, licensed practical nurses, and advanced practice registered nurses who hold an active nursing license on July 1, 2022, shall satisfy the continuing competency requirement in subsection (6) of this section on or before July 1, 2023.

(5) Registered nurses, licensed practical nurses, and advanced practice registered nurses who obtain licensure by examination, endorsement, or reinstatement after July 1, 2022, shall satisfy the continuing competency requirements in subsection (6) of this section within three (3) years of licensure.

(6)

(a) Nurses shall earn a minimum of two (2) contact hours on the subject of suicide prevention, which shall consist of one (1) contact hour on suicide prevention generally, and one (1) contact hour that addresses:

1. Chronic toxic stress and secondary traumatic stress potentially increasing the incidence of suicide amongst nurses;
2. A confidential and standardized pathway to care for nurses that addresses screening, assessing, safety planning, referrals, and follow-up for nurses at risk for suicide;
3. Systems of care, evidence-informed approaches, and best practices to reduce suicide rates; and
4. Ethical legal considerations of caring for patients and nurses who are suicidal.

(b) Nurses shall earn a minimum of one and one-half (1.5) contact hours in implicit bias that addresses:

1. The impact of historical racism and other forms of invidious discrimination on the provision of healthcare;
2. Methods of evaluating the presence and extent of implicit bias; and
3. Measures that may be taken to reduce implicit bias.

Section 6.

(1)

(a) A licensee shall maintain records to substantiate methods used to validate competency.

(b) All records shall be retained for at least five (5) years following the current licensure period.

(2)

(a) A licensee shall, upon request, furnish to the board or its staff, legible copies of the records required to be maintained by subsection (1) of this section, in electronic format to CE Broker, the continuing education tracking system utilized by the board, via <https://cebroker.com>.

(b) Copies shall be furnished within twenty (20) days of the date a written request is sent to the last known email address of the licensee or applicant.

(c) Failure to furnish records as required by this administrative regulation shall be cause for the issuance of a complaint pursuant to 201 KAR 20:161 for failure to comply with KRS 314.073(2).

(3)

(a) Except as provided by paragraph (b) of this subsection, if a licensee has failed to comply with the continuing competency requirements, the licensee shall be allowed to rectify the noncompliance if he or she:

1. Meets the continuing competency requirements within ten (10) business days of notification of noncompliance; and
2. Enters a consent decree with the board pursuant to 201 KAR 20:161, Section 2(5), within ten (10) days of notification by the board.

(b) The board shall issue a complaint pursuant to 201 KAR 20:161 if:

1. A licensee fails to furnish records as requested pursuant to subsection (2) of this section; or
2. There is evidence of fraud or deceit in procuring or attempting to procure a license to practice nursing.

(4) A licensee who attends continuing education activities, whether as a presenter, participant, or student, shall attend the entire offering to be eligible to receive the number of contact hours for which the activity has been approved.

(5) It shall be the responsibility of each licensee to select and participate in those continuing education activities that will meet the criteria for acceptable continuing education.

(6) A licensee shall not repeat the same continuing education offering within a licensure period. The board shall determine whether a continued education offering is the same offering based upon the certificate of attendance from the offering that includes items such as the activity number, date, topic, and presenter.

Section 7.

(1) A licensee may request an individual review of a nonapproved continuing education activity completed during the earning period if, within thirty (30) days after the expiration of the immediate past licensure period, the licensee has:

- (a) Requested the review by submitting an Application for Individual Review; and
- (b) Paid a fee of ten (10) dollars.

(2) The review shall be based on generally accepted standards of adult education and shall be applicable to the nurse's role.

(3) Approval of a nonapproved continuing education activity shall:

(a) Qualify it as having been obtained from an approved provider for the licensee requesting the review; and

(b) Be limited to the particular offering upon which the request for individual review is based.

(4) The board may offer continuing education hours for programs sponsored by the board. These continuing education hours shall be found to have been obtained from an approved provider. The board shall comply with all applicable provider standards.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Individual Review", 9/2005;

(b) "Nursing Continuing Education Employment Evaluation Form", 6/2021; and

(c) "Preceptor Continuing Education Verification Form", 6/2021.

(2) 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 40222-5172, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at <https://kbn.ky.gov/legalopinions/Pages/laws.aspx>.

(6 Ky.R. 699; 7 Ky.R. 400; eff. 10-1-1980; 9 Ky.R. 596; eff. 12-1-1982; 11 Ky.R. 1630; eff. 6-4-1985; 14 Ky.R. 583; eff. 11-6-1987; 2193; eff. 8-5-1988; 18 Ky.R. 3212; 19 Ky.R. 18; eff. 7-4-1992; 2671; eff. 8-6-1993; 22 Ky.R. 1337; 1594; eff. 3-7-1996; 23 Ky.R. 3073; eff. 3-19-1997; 27 Ky.R. 824; 1448; eff. 12-21-2000; 28 Ky.R. 126; eff. 9-10-2001; 29 Ky.R. 502; 921; eff. 10-16-2002; 2123; 2450; eff. 4-11-2003; 30 Ky.R. 2100; 2289; eff. 5-24-2004; 31 Ky.R. 799; 1058; eff. 1-4-2005; 32 Ky.R. 718; eff. 1-6-2006; 2322; eff. 9-1-2006; TAm eff. 7-13-2010; 2905; eff. 8-17-2011; 39 Ky.R. 540; eff. 2-1-2013; 42 Ky.R. 492; 1142; eff. 11-6-2015; 43 Ky.R. 1015; eff. 3-3-2017; 45 Ky.R. 1743, 2583; eff. 3.-13-2019; 48 Ky.R. 533, 2029; eff. 1-13-2022.)

FILED WITH LRC: December 9, 2021

CONTACT PERSON: Jeffrey R. Prather, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, phone (502) 338-2851, email Jeffrey.Prather@ky.gov