

BOARDS AND COMMISSIONS

Board of Nursing

(Amendment)

201 KAR 20:220. Nursing continuing education provider approval.

RELATES TO: KRS 314.011(12), 314.073, 314.131(1), (2)

STATUTORY AUTHORITY: KRS 314.073(3), 314.131(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(2) and 314.073(3) require the Board of Nursing to promulgate administrative regulations establishing requirements for continuing competency and approval of providers of continuing education. This administrative regulation establishes requirements for providers of continuing education.

Section 1. Definition. "Continuing education activity" means an offering given by a provider of continuing education who has been approved or accepted by the board and that relates to the practice of nursing or contributes to the competency of a nurse extending knowledge beyond that obtained in initial nursing preparation or pertinent to specific work requirements.

Section 2.

(1) A provider of continuing education applicant who wants approval by the board to offer a continuing education activity shall submit an:

- (a) Application for Continuing Education Provider Approval; and
- (b) Application fee as established in 201 KAR 20:240.

(2) If an application is approved, the board shall issue a provider number to the applicant.

(3) On or before September 30 of the year in which an approval period expires, an approved provider shall submit the:

- (a) Application for Continuing Education Provider Renewal; and
- (b) Fee as established in 201 KAR 20:240.

(4) Renewal shall be for two (2) years.

(5)

(a) A continuing education activity that is given by a continuing education provider that has received approval by one (1) of the following organizations shall be accepted by the board:

- 1. American Association of Nurse Practitioners;
- 2. American Association of Critical Care Nurses;
- 3. American Association of Nurse Anesthetists;
- 4. American College of Nurse Midwives;
- 5. American Nurses Credentialing Center;
- 6. Association of Women's Health, Obstetric and Neonatal Nurses;
- 7. Nurse Practitioners in Women's Health;
- 8. National Association of Pediatric Nurse Practitioners;
- 9. National Association for Practical Nurses Education and Service;
- 10. National Association of Licensed Practical Nurses;
- 11. National League for Nursing; or
- 12. State Boards of Nursing.

(b) Paragraph (a) of this subsection shall include a provider that offers a continuing education activity related to the pharmacology requirement in 201 KAR 20:215.

(6)

(a) An organization that approves nursing continuing education may request that it be added to this administrative regulation.

(b) An organization shall be included in this administrative regulation if its standards are comparable to the standards established by the provisions of this administrative regulation.

Section 3.

(1) The board may review a provider's continuing education activities or approval status at any time.

(2) Except as provided in subsection (3) of this section, if after a review of a provider it is determined that the provider does not comply with this administrative regulation, the board shall send the provider notice of its intent to deny or limit the provider's approval status.

(3) If after a review of a continuing education activity it is determined that the activity does not comply with this administrative regulation, the board shall send the provider notice of its intent to deny approval status for subsequent offerings of that specific continuing education activity.

(4)

(a) A request for a hearing before the board shall be filed within ten (10) days of receipt of the board's notice.

(b) If a provider fails to submit a request for a hearing within the time established in paragraph (a) of this subsection, the board shall implement the action proposed in its notice.

Section 4. Providers shall comply with the standards in this section.

(1)

(a) A registered nurse who meets the qualifications established in paragraph (b) of this subsection shall be administratively responsible for continuing education activities, including:

1. Planning;
2. Development;
3. Implementation; and
4. Evaluation.

(b) A nurse administrator shall:

1. Hold a current license or privilege to practice;
2. Have experience in adult education; and
3. Hold a baccalaureate or higher degree, in nursing.

(c) The provider may designate an alternate nurse administrator who shall meet the requirements established in paragraph (b) of this subsection.

(2) Organized learning activities shall be based upon a reasonable justification supporting the need for the continuing education that:

- (a) Enhances the quality, safety, and effectiveness of care provided by nurses; and
- (b) Contributes directly to the competence of a nurse.

(3) The content of nursing continuing education shall be designed to:

- (a) Present current theoretical knowledge to enhance and expand nursing skills; and
- (b) Promote competence in decision making.

(4) Outcomes for continuing education activities shall be:

- (a) Related to nursing practice and interventions;
- (b) Stated in clearly defined expected learner outcomes; and
- (c) Consistent with evidence of a need for the continuing education activity.

(5) The continuing education activity shall reflect planning among the nurse administrator, faculty, and content experts.

(6)

(a) The content for each educational activity shall be documented in provider files and shall include the following:

1. The presentation schedule;
 2. The name and credentials of the presenter and the topic to be covered;
 3. Times for meals and breaks, if applicable;
 4. Teaching methods, with corresponding time frames, for each content area; and
 5. Learner outcomes.
- (b)
1. The content shall be relevant to and consistent with the learner outcomes.
 2. The learner outcomes shall provide statements of observable behaviors that present a clear description of the competencies to be achieved by the learner.
- (7) Teaching methods shall be consistent with the content and learning outcomes and objectives, and shall reflect the use of adult learning principles. Activities of both the teacher and the learner shall be specified.
- (8) Faculty for continuing education activities shall have:
- (a) Documented expertise in the subject matter; and
 - (b) Experience in presenting to adult learners.
- (9) The name, title and credentials identifying the educational and professional qualifications for each faculty member shall be retained in the provider offering files.
- (10) Resources allocated for the continuing education activity shall be adequate in terms of education unit organization, with fiscal support for adequate staff, facilities, equipment, and supplies to ensure quality teaching and learning in a comfortable environment that is accessible to the target audience.
- (11) Participants shall be provided with essential information for review prior to registration. This information shall include:
- (a) Learner outcomes;
 - (b) Content overview;
 - (c) Date, time, and presentation schedule;
 - (d) Presenter;
 - (e) Number of contact hours;
 - (f) Fee and refund policy;
 - (g) Target audience and any prerequisites; and
 - (h) Requirements for successful completion that shall be clearly specified and shall include a statement of policy regarding candidates who fail to successfully complete the continuing education activity.
- (12) Published information about continuing education activities offered by providers approved by the board shall include the provider number.
- (13)
- (a) A provider shall notify the board in writing within thirty (30) days of any changes in its administration, such as nurse administrator, mailing address, or telephone number.
 - (b) Information relevant to the qualifications of the new nurse administrator as established in subsection (1)(b) of this section shall be sent to the board.
 - (c) If a qualified nurse is not available to serve in the capacity of the administrator, the provider shall not offer any continuing education activity until a qualified nurse administrator is appointed.
- (14) A provider shall designate and publish the number of hours of any portion of an offering dedicated to the pharmacology requirement of 201 KAR 20:215.
- (15) Records of continuing education activities shall be maintained for a period of five (5) years, including the following:
- (a) Title, date, and format of the activity;
 - (b) Name of the person responsible for coordinating and implementing the activity;
 - (c) Purpose, documentation of planning, learner outcomes, faculty, teaching, and evaluation methods;

- (d) Method of verification of participant attendance;
 - (e) Participant roster including the participant's name, license number, and signature or similar electronic verification;
 - (f) Summary of participant evaluations;
 - (g) Number of continuing education contact hours awarded:
 - 1. Contact hours shall be calculated by taking the total number of minutes that the participants will be engaged in the learning activities, excluding breaks, and divide by fifty (50); and
 - 2. Partial hours shall be permissible;
 - (h) Master copy of certificate of completion awarded; and
 - (i) Identification of required instructional materials and references.
- (16) Participants shall receive a certificate of completion that documents participation with the following information:
- (a) Name of participant;
 - (b) Offering title, date, and the format of presentation;
 - (c) The provider's name, address, telephone number, approval number, and expiration date of the providership;
 - (d) Name and signature of authorized provider representative; and
 - (e) Number of continuing education contact hours awarded.
- (17) There shall be a clearly defined method for evaluating the continuing education activity, which shall include:
- (a) An evaluation tool that includes participant appraisal of achievement of each outcome, teaching effectiveness of each presenter, relevance of content to expected outcomes, effectiveness of teaching methods, and appropriateness of the format of presentation; and
 - (b) A mechanism for periodic, systematic evaluation of the provider's total program of educational activities.
- (18) There shall be a summary of the participants' evaluations for each continuing education activity with an action plan with time lines for resolution of identified deficiencies.
- (19) The provider shall have current policies and procedures for the management of the providership that demonstrate compliance with the required standards.
- (20) For an offering that includes clinical practice, the instructor-student ratio for the clinical experience shall not exceed one (1) to ten (10).
- (21) The following constitute in-service education and shall not be considered as a continuing education activity for purposes of this administrative regulation:
- (a) An activity that is part of an employing agency's staff development program designed to provide information related to the work setting;
 - (b) On the job training;
 - (c) Orientation;
 - (d) Basic cardiopulmonary resuscitation; and
 - (e) Equipment demonstration.

Section 5.

- (1) The following material is incorporated by reference:
- (a) "Application for Continuing Education Provider Approval", ~~10/2023~~^{10/2021}, ~~Kentucky Board of Nursing~~]; and
 - (b) "Application for Continuing Education Provider Renewal", ~~10/2023~~^{8/2021}, ~~Kentucky Board of Nursing~~].
- (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, 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/General/Pages/Document-Library.aspx>.

AUDRIA DENKER, President

APPROVED BY AGENCY: August 24, 2023

FILED WITH LRC: September 12, 2023 at 9:40 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 21, 2023 at 10:00 a.m. at Kentucky Board of Nursing, 312 Whittington Parkway, Ste 300, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing by November 14, 2023, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. 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 through November 30, 2023. 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: Jeffrey R. Prather, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, (502) 338-2851, Jeffrey.Prather@ky.gov, Or submit a comment at: <https://secure.kentucky.gov/formservices/Nursing/PendReg>

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jeffrey Prather

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation establishes the requirements to obtain approval from the Kentucky Board of Nursing to be a continuing education (CE) provider.

(b) The necessity of this administrative regulation:

This regulation is necessary because of KRS 314.073.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This administrative regulation conforms to the content of the authorizing statutes by setting standards for the approval of continuing education providers.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation assists in the effected administration of statutes setting standards for continuing education providership.

(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:

The amendment updates the material incorporated by reference to remove references to continuing education requirements for X-waiver training and implicit bias training.

(b) The necessity of the amendment to this administrative regulation:

Changes the Board has proposed in 201 KAR 20:215 that have removed these requirements.

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

By clearly stating the requirements.

(d) How the amendment will assist in the effective administration of the statutes:

Continuing education providers will be informed regarding the requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Nursing continuing education providers, the Board currently has approved approximately 165 continuing education providers.

(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 additional actions.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

No additional cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

The removal of questions from the provider applications that are no longer required.

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

(a) Initially:

No additional cost.

(b) On a continuing basis:

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 required.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

It does not.

(9) TIERING: Is tiering applied?

The changes will apply equally, there is no tiering.

FISCAL NOTE

(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?

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 314.073 and 314.131.

(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:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

None.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

None.

(c) How much will it cost the regulated entities for the first year?

None.

(d) How much will it cost the regulated entities for subsequent years?

None.

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

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This administrative regulation will not have a major economic impact.