

BOARDS AND COMMISSIONS

Board of Nursing

(Amendment)

201 KAR 20:056. Advanced practice registered nurse licensure and certification requirements.

RELATES TO: KRS 218A.205(3)(h), (8), 314.011, 314.042, 314.091, 314.103, 314.109, 314.161, 314.475

STATUTORY AUTHORITY: KRS 218A.205(3)(h), (8), 314.042, 314.103, 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 218A.205(3)(h) requires the board to establish by administrative regulation for licensees authorized to dispense or prescribe controlled substances the process for submitting a query on each applicant to the National Practitioner Data Bank. KRS 218A.205(8) requires the board to require for any applicant for an initial licensure that authorizes the prescribing or dispensing of controlled substances to complete a state and national criminal records check. KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations necessary to enable it to carry into effect the provisions of KRS Chapter 314. KRS 314.042 requires the licensure of an advanced practice registered nurse and authorizes the board to promulgate administrative regulations establishing licensing requirements. KRS 314.103 authorizes the board to require a criminal background investigation of an applicant or a nurse. This administrative regulation establishes the requirements for licensure, renewal, and reinstatement, education, and recognition of a national certifying organization.

Section 1. An applicant for licensure as an advanced practice registered nurse in Kentucky shall:

(1)

- (a) Complete an Application for Licensure as an Advanced Practice Registered Nurse as required by 201 KAR 20:370, Section 1(1);
- (b) Provide a copy of a current active registered nurse license or validation of registered nurse licensure if the state of licensure does not issue licensure cards;
- (c) Submit the fee required by 201 KAR 20:240, Section 1(2)(j); and
- (d) Comply with the requirements established in KRS 314.042 and this administrative regulation.

(2) If the applicant is applying only for a license as an advanced practice registered nurse, the applicant shall also:

- (a) Provide a criminal record check by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI);
- (b) Use the FBI Applicant Fingerprint Card;
- (c) Pay any required fee to the KSP and the FBI;
- (d) Complete the criminal record check within six (6) months of the date of the application; and
- (e) If there are any misdemeanor or felony convictions, provide:
 1. A certified or attested copy of the court record as required by 201 KAR 20:370, Section 1(3); and
 2. A letter of explanation that addresses each conviction.

(3) An applicant shall not be licensed until:

- (a) A report is received from the FBI pursuant to the request submitted under subsection (2) of this section and any conviction is addressed by the board; and
- (b) A query is completed to the board's reporting agent to the National Practitioner Data Bank of the United States Department of Health and Human Services pursuant to KRS 218A.205(3)(h) and any relevant data on the applicant is received.

(4) An applicant shall provide evidence of completion of the jurisprudence examination required by KRS 314.042(1)(d).

Section 2. Education and Clinical Experience.

(1) An applicant for licensure as an advanced practice registered nurse shall complete an accredited education program that prepares a registered nurse for one (1) of the four (4) APRN roles established under Section 12(5) of this administrative regulation and clinical experience. This program shall conform to 201 KAR 20:062 or its substantial equivalence if from an out of state program.

(2)

(a) If the applicant for licensure as an advanced practice registered nurse completed a program of study after January 1, 2005, the applicant shall hold a master's degree, doctorate, or postmaster's certificate awarding academic credit by a college or university related to the advanced practice registered nurse designation.

(b) If the applicant for licensure as an advanced practice registered nurse completed a program of study before January 1, 2005, the program shall be evaluated by the board on an individual basis to find if the program sufficiently prepares a student for advanced practice registered nursing by complying with the requirements of 201 KAR 20:062.

Section 3. National Certifying Organizations.

(1) A nationally established organization or agency which certifies registered nurses for advanced practice registered nursing shall be recognized by the board if it meets the following criteria:

(a) The certifying body is an established national nursing organization or a subdivision of this type of organization;

(b) Eligibility requirements for certification are delineated;

(c) Certification is offered in a role as defined by KRS 314.042(2)(a) and in a population focus as defined by KRS 314.011 and with primary or acute care competencies;

(d) Scope and standards of practice statements are promulgated;

(e) Mechanism for determining continuing competency is established; and

(f) The certifying body is accredited by the American Board of Nursing Specialties or the National Commission for Certifying Agencies.

(2) The board recognizes the following national certifying organizations:

(a) American Nurses Credentialing Center;

(b) American Midwifery Certification Board;

(c) National Board of Certification and Recertification for Nurse Anesthetists;

(d) Pediatric Nursing Certification Board;

(e) National Certification Corporation;

(f) American Academy of Nurse Practitioners Certification Board; and

(g) American Association of Critical-Care Nurses Certification Corporation.

(3) The board recognizes the Oncology Nursing Certification Corporation only for an individual who has received certification prior to December 15, 2010 and who has continually renewed his or her Kentucky advanced practice registered nurse license since that date.

Section 4. Practice Pending Licensure.

(1) A registered nurse who meets all the requirements for practice as an advanced practice registered nurse, and who holds a registered nurse temporary work permit issued pursuant to 201 KAR 20:110 pending licensure by endorsement or a privilege to practice as a registered nurse, shall be authorized to practice as an advanced practice registered nurse for a period of time not to exceed the expiration date of the temporary work permit.

- (2) Authorization to practice pursuant to this section shall be in the form of a letter from the board acknowledging that the applicant has met all the requirements of this section. An applicant shall not practice until the authorization letter has been issued.
- (3) An individual authorized to practice pursuant to subsection (1) of this section may use the title "advanced practice registered nurse" or "APRN~~[Applicant]~~ or "APRN App.".

Section 5. Provisional License.

- (1) An applicant who meets the requirements of KRS 314.042(2) may request a provisional license by completing the application for licensure required by Section 1 of this administrative regulation.
- (2)
 - (a) The board shall issue the provisional license to the applicant after Section 1(1) of this administrative regulation are met, but not until the report is received from the FBI and any conviction is addressed by the board.
 - (b) In the case of a graduate of a foreign nursing school, the board shall issue the provisional license after the requirements of 201 KAR 20:480 are met.
- (3) The applicant shall not prescribe medications and shall only practice under a mentorship with an advanced practice registered nurse or a physician.
 - (a) To qualify as mentorship pursuant to KRS 314.042(3), the APRN or physician responsible for the applicant shall be physically present and immediately available to the applicant during work hours while the applicant holds a provisional license; and
 - (b) The APRN or physician mentoring the applicant shall be currently licensed in Kentucky.
- (4) Upon notification to the board that the applicant has failed the national certification exam after two (2) attempts, the provisional license shall be voided. The applicant shall:
 - (a) Notify the Board within forty-eight (48) hours.
 - (b) Cease practicing under the provisional license provided by this section.
- (5) An individual authorized to practice pursuant to subsection (1) of this section may use the title "advanced practice registered nurse applicant" or "APRNA".
- (6) A provisional license shall be valid for a period not to exceed six (6) months.

Section 6. [~~Section 5.~~] License Renewal.

- (1) The advanced practice registered nurse license shall expire or lapse when the registered nurse license or privilege expires or lapses.
- (2) To be eligible for renewal of the license as an advanced practice registered nurse, the applicant shall:
 - (a) Renew the registered nurse license or privilege on an active status;
 - (b) Submit a completed Annual Licensure Renewal Application: RN and APRN or a completed Annual Licensure Renewal Application: APRN with RN Compact License (not Kentucky) form, as applicable, and as required by 201 KAR 20:370, Section 1(1);
 - (c) Submit the current renewal application fee, as established in 201 KAR 20:240, Section 1(2)(k); and
 - (d) Maintain current certification by a recognized national certifying organization.
- (3) An advanced practice registered nurse who fails to renew the registered nurse license or privilege or is otherwise unable to legally practice as a registered nurse shall not practice as or use the title of advanced practice registered nurse until:
 - (a) A current active license has been issued by the board or a privilege is recognized by the board; and
 - (b) The advanced practice registered nurse license has been reinstated.
- (4) An advanced practice registered nurse shall provide to the board evidence of current certification by a recognized national certifying organization upon recertification or at the request of the board.

Section 7. [~~Section 6.~~] License Reinstatement.

- (1) If a nurse fails to renew the advanced practice registered nurse license as prescribed by KRS 314.042 and this administrative regulation, the license shall lapse on the last day of the licensure period.
- (2) To be eligible for reinstatement of the advanced practice registered nurse license, the applicant shall:
 - (a) Submit a completed Application for Licensure as an Advanced Practice Registered Nurse form as required by 201 KAR 20:370, Section 1(1);
 - (b) Submit the current reinstatement application fee, as established in 201 KAR 20:240, Section 1(2)(1); and
 - (c) Maintain and submit evidence of current certification by a recognized national certifying organization.
- (3) If the applicant is applying for reinstatement of a license as an advanced practice registered nurse, the applicant shall also:
 - (a) Provide a criminal record check by the KSP and the FBI;
 - (b) Use the FBI Applicant Fingerprint Card;
 - (c) Pay any required fee to the KSP and the FBI;
 - (d) Complete the criminal record check within six (6) months of the date of the application; and
 - (e) If there are any misdemeanor or felony convictions, provide:
 1. A certified or attested copy of the court record of any misdemeanor or felony conviction as required by 201 KAR 20:370, Section 1(3); and
 2. A letter of explanation that addresses each conviction, if applicable.
- (4) The license shall not be issued until a report is received from the FBI and any conviction is addressed by the board.

Section 8. [~~Section 7.~~] Certification or Recertification.

- (1)
 - (a) An advanced practice registered nurse (APRN) shall maintain current certification or recertification from one (1) of the national organizations recognized in Section 3 of this administrative regulation throughout the licensure period.
 - (b) The APRN shall notify the board if current certification or recertification has been obtained and provide evidence of the certification or recertification prior to the expiration date.
- (2)
 - (a) A nurse who fails to attain current, active certification or recertification from one (1) of the national organizations recognized in Section 3 of this administrative regulation shall not practice or use the title of advanced practice registered nurse (APRN) until current certification or recertification is obtained.
 - (b)
 1. An APRN who does not provide evidence of current certification or recertification prior to its expiration date shall have the APRN license voided. This action shall not be considered to be a disciplinary action. The board shall send written notice to the APRN if the license has been voided.
 2. The APRN may request a hearing on this action by submitting the request in writing. If a hearing is requested and the order of the board is adverse to the APRN, the board may impose the costs pursuant to 201 KAR 20:162, Section 7. If the action is upheld or not challenged, the APRN may seek reinstatement of the license in accordance with Section 6 of this administrative regulation, except as provided in subparagraph 3 of this paragraph.
 3. If, after the APRN license has been voided, the APRN provides evidence of current certification acquired before the certification expiration date and there are no

complaints pending against the APRN pursuant to 201 KAR 20:161 that indicate that reinstatement would create an immediate danger to the public health, safety, or welfare, then the APRN shall meet the requirements of Section 6 of this administrative regulation except for Section 6(4) of this administrative regulation. A license may be issued prior to receipt of the FBI report in such cases.

(3) An advanced practice registered nurse whose certification lapses or is not renewed by the appropriate national organization shall:

(a) Notify the board of that fact; and

(b) Not practice as or use the title of advanced practice registered nurse during the period of decertification.

Section 9. ~~[Section 8.]~~

(1) An application shall be valid for a period of one (1) year from the date of submission to the board.

(2) After one (1) year from the date of application, the applicant shall be required to reapply.

Section 10. ~~[Section 9.]~~ The requirements of this administrative regulation shall not prohibit the supervised practice of a nurse enrolled in:

(1) An accredited educational program for preparation for advanced practice registered nursing; or

(2) An advanced practice registered nurse refresher course.

Section 11. ~~[Section 10.]~~ A registered nurse who holds himself or herself out as a clinical nurse specialist or is known as a clinical nurse specialist shall be required to be licensed as an advanced practice registered nurse if his or her practice includes the performance of advanced practice registered nursing.

Section 12. ~~[Section 11.]~~ A nurse practicing as an advanced practice registered nurse who is not licensed as an advanced practice registered nurse by the board, an advanced practice registered nurse whose practice is inconsistent with the population focus to which he or she has been designated, or an advanced practice registered nurse who does not recertify and continues to practice as an advanced practice registered nurse shall be subject to the disciplinary procedures established in KRS 314.091.

Section 13. ~~[Section 12.]~~ Dual Designations.

(1) An advanced practice registered nurse who wishes to practice in more than one (1) role designation shall complete an accredited educational program of study and clinical experience for each desired designation in compliance with the educational requirements established in KRS Chapter 314 and 201 KAR 20:062 and meet all the requirements for licensure for each designation.

(2) To apply for licensure for more than one (1) role designation, the applicant shall submit a separate application and fee for each desired designation.

(3) To renew each role designation, the APRN shall pay a separate licensure fee as set forth in 201 KAR 20:240, Section 1(2)(k).

(4) For the purposes of Section 7(2)(b) of this administrative regulation, if the APRN does not provide evidence of current recertification in a role designation, then that role designation shall be voided. The license shall not be voided if the other role designation is maintained. All other provisions of Section 7(2)(b) of this administrative regulation shall apply to the voided designation.

(5) Role designations shall be the Certified Registered Nurse Anesthetist, Certified Nurse Midwife, Certified Nurse Practitioner, and Clinical Nurse Specialist pursuant to KRS 314.042.

AUDRIA DENKER, President, Board of Nursing

APPROVED BY AGENCY: June 20, 2024

FILED WITH LRC: July 9, 2024 at 10:05 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2024 at 10:00 AM 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 September 16, 2024, 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 September 30, 2024. 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 administrative regulation establishes the requirements to obtain an Advanced Practice Registered Nurse (APRN) license.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary because of KRS 314.042.

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

This administrative regulation conforms to the content of KRS 314.042 and KRS 314.131(1), which require the Board to promulgate an administrative regulation concerning obtaining an APRN license.

(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 setting the standards and process for obtaining an APRN license.

(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:

During the 2024 Regular Session the General Assembly passed House Bill (HB) 459, which amended KRS 314.042 to provide for provisional licensure of APRNs who have not passed their national certification exams. The amendments to this regulation are in accordance with HB 459: upon request, an APRN applicant who meets the regulatory requirements may be issued a 6-month provisional license; the applicant may use the title "advanced practice registered nurse applicant" and the abbreviation "APRNA"; and may function as an APRN under the mentorship of another APRN or physician, except for prescribing medications. The APRNA shall take and pass the national certification exam, but if the APRNA fails to take and pass the national certification exam after two attempts twice, the provisional license is terminated.

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

The amendments are necessary by the passage of HB 459.

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

The Board is authorized to make these changes under KRS 314.042 and KRS 314.131(1).

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

The amendments provide the clear regulatory requirements to effectuate the changes to KRS 314.042.

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

Kentucky APRN applicants, approximately 2,200 per year.

(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:

APRNs applicants will need to request the provisional license, meet regulatory requirements, and pass the national exam within two attempts in 6 months.

(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 beyond application fees.

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

The applicants will be following statutory and regulatory requirements and be allowed to join the workforce as a practicing APRNA, with restrictions.

(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.

(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 required.

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

It does not establish or increase fees.

(9) TIERING: Is tiering applied?

Tiering is not applicable.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

Kentucky Revised Statutes 218A.205(3)(h), (8), 314.042, 314.103, 314.131(1).

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Kentucky Board of Nursing.

(a) Estimate the following for the first year:

Expenditures:No expenditures to estimate.

Revenues:No revenues to estimate.

Cost Savings:No cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There will be no difference to expenditures, revenues, or cost savings.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

None.

(a) Estimate the following for the first year:

Expenditures:N/A

Revenues:N/A

Cost Savings:N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

N/A

(4) Identify additional regulated entities not listed in questions (2) or (3):

Advanced Practice Registered Nurses.

(a) Estimate the following for the first year:

Expenditures:No expenditures to estimate.

Revenues:APRNs may join the workforce before passing the national certification exam, revenues unknown.

Cost Savings:No cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There will be no difference to expenditures, revenues, or cost savings.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

APRNs may join the workforce with their advanced degree, and they will not be required to pass the national certification exam before doing so. The actual revenues unknown.

(b) Methodology and resources used to determine the fiscal impact:

None.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

This administrative regulation will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion:

N/A.