

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

201 KAR 20:410. Expungement of records.

RELATES TO: KRS 314.131

STATUTORY AUTHORITY: KRS 314.131(1), (10)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8, because the amendments to this regulation will not have a major economic impact.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) and (10) authorize the Board of Nursing to promulgate administrative regulations to establish which disciplinary records may be expunged. This administrative regulation establishes which records may be expunged and the procedure for expungement.

Section 1. Definitions.

- (1) "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice imposed by the board on any licensee or credential holder.
- (2) "Expungement" means that all affected physical records are destroyed and affected electronic records removed from the board's computer systems so that the matter does not appear on a license validation search via the board website or any other search of board records.
- (3) "Complex reprimand" means disciplinary action that resulted in an encumbrance.
- (4) "Consent decree" means an agreement pursuant to 201 KAR 20:161, Section 2(5).
- (5) "Plain reprimand" means a disciplinary action applicable to a licensee or credential holder that is not a complex reprimand.

Section 2.

- (1) The board shall not report cases that have been expunged to another state agency, board of nursing, or organization.
- (2) The board shall reply to any inquiry regarding the expunged records that no record exists on the matter and that the proceedings to which the records refer shall be found never to have occurred.
- (3) The individual whose records have been expunged may state that the proceedings to which the records referred to never occurred.

Section 3. Upon a written request from an individual against whom disciplinary action or a consent decree has been taken, the board shall expunge the disciplinary actions and consent decrees indicated in subsections (1) through (3) of this section, subject to the exceptions set forth in Sections 4 through 6 of this administrative regulation:

- (1) Consent decrees that are at least three (3) years old if all the terms of the consent decree have been met;
- (2) Agreed orders and decisions that are at least five (5) years old and that resulted in a plain reprimand, if all the terms of the agreed order or decision have been met; and
- (3) Agreed orders and decisions that are at least ten (10) years old that resulted in a complex reprimand, if all the terms of the agreed order or decision have been met.

Section 4. The calculation of the time under Section 3 of this administrative regulation shall be tolled until the individual who is subject to a consent decree or disciplinary action has satisfied all terms in the consent decree or disciplinary action, and the length of time of the existence of the consent decree or disciplinary action shall be measured from the date all terms were satisfied by the individual.

Section 5. Expungement of a consent decree or disciplinary action shall not occur if there is an open and active Board of Nursing investigation or disciplinary proceeding pending against the affected individual pursuant to 201 KAR 20:161 or 201 KAR 20:162.

Section 6. Expungement of a disciplinary action shall be unavailable if the affected individual has had subsequent disciplinary action that is also ineligible for expungement. Consideration regarding an individual's eligibility for expungement shall always begin with an assessment of the age and relevant tolling as to the most recent consent decree or disciplinary action.

Section 7. Without a request pursuant to Section 3 of this administrative regulation, the board may initiate expungement of records subject to the criteria set forth in this administrative regulation.

(201 KAR 020:410. 22 Ky.R. 418; eff. 9-20-1995; 29 Ky.R. 1306; eff. 1-15-2003; 35 Ky.R. 317; 781; eff. 10-15-2008; TAm eff. 7-15-2010; 38 Ky.R. 1190; 1440; eff. 2-15-2012; Crt eff. 5-10-2019; 46 Ky.R. 2693; 47 Ky.R. 59; eff. 7-29-2020; 52 Ky.R. 214, 709; eff. 11-12-2025.)

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