BOARDS AND COMMISSIONS

Board of Nursing

(Amendment)

201 KAR 20:070. Licensure by examination.

RELATES TO: KRS 194A.540, 314.041, 314.051(3), (6), 314.103, 314.109, 314.475

STATUTORY AUTHORITY: KRS 314.041(2), 314.051(3), 314.103, 314.131(1)

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of KRS 13A.105(2)(a) because the amendments to this regulation will not have a major economic impact.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Kentucky Board of Nursing to promulgate administrative regulations to implement the provisions of KRS 314.011 to 314.991. KRS 314.041(2) requires an applicant for licensure as a registered nurse to pass an examination prescribed by the board. KRS 314.103 authorizes the board to require a criminal background check investigation of an applicant or nurse. KRS 314.051(3) requires an applicant for licensure as a licensed practical nurse to pass an examination prescribed by the board. This administrative regulation establishes the requirements for the licensure of nurses by examination.

Section 1. Eligibility for Licensure by Examination for a Graduate of a Kentucky Program or Other State or Territorial Nursing Program.

(1) To be eligible for licensure by examination, an applicant shall:

(a) Submit:

1. A properly executed application for licensure, as required by and incorporated by reference in 201 KAR 20:370, Section 1(1);

2. The licensure application fee as established in 201 KAR 20:240;

3. A criminal record check completed within six (6) months of the date of the application by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) using the FBI Applicant Fingerprint Card, and including payment of any required fee to the KSP and the FBI;

4. 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);

5. A letter of explanation that addresses each conviction, if applicable;

6. A certified copy of any disciplinary action taken on any professional or business license in another jurisdiction with a letter of explanation or a report if there is any disciplinary action pending on any professional or business license in another jurisdiction; and

7. Evidence of completion of the jurisprudence examination required by KRS 314.041(4) for RN applications or KRS 314.051(4) for LPN applications;

(b) Notify the board as soon as a new address is established after submitting the application;

(c) Submit a copy of a marriage certificate, divorce decree, Social Security card, or court order to change the applicant's name, if the applicant's name is changed after the original application is filed;

(d) While taking the examination, abide by and cooperate with security procedures adopted by the board; and

(e) Apply to take and pass the National Council Licensure Examination.

(2) An application for licensure shall be valid for a period of one (1) year from the date the application is filed with the board office or until the board receives the results of the examination.

(3)

(a) Except as provided in paragraph (b) of this subsection, the name of the applicant shall be verified by the program of nursing on the board's designated online system as having successfully completed the applicable curriculum for licensure and the requirements for graduation[~~appear on the Certified List of Kentucky Program of Nursing Graduates or the Certified List of Out-of-state Program of Nursing Graduates~~].

(b) The [~~If the name does not appear on the list, the~~] applicant may[~~shall~~] request that the program submit to the board an official transcript verifying completion of program curriculum for licensure and requirements for graduation[~~requirements~~].

(c) An applicant from an out of state program of nursing shall have the program submit to the board an official transcript verifying completion of program curriculum for licensure and requirements for graduation [~~The Certified List of Out-of-state Program of Nursing Graduates shall be submitted by the nurse administrator of the out-of-state program of nursing~~].

(4)

(a) The applicant shall complete the three (3) hour continuing education course on domestic violence within three (3) years of licensure as required by KRS 194A.540.

(b) The applicant shall complete the applicable continuing education courses as required by 201 KAR 20:215, Section 5.

(5) An applicant shall not be licensed until a report is received from the FBI pursuant to the request submitted pursuant to subsection (1)(a)3 of this section and any conviction is addressed by the board.

(6) A graduate of a school of nursing in Puerto Rico after September 1, 2006, in addition to the other requirements of this section, shall provide evidence of evaluation of the graduate's transcript by the Commission on Graduates of Foreign Nursing Schools or a credential evaluation organization that is a member of the National Association of Credentialing Evaluation Services. The evaluation shall indicate that the school of nursing is substantially equivalent to a school of nursing in this state.

Section 2. Retaking the Examination.

(1) An examination candidate who fails to achieve a passing result may retake the examination after meeting the requirements of Section 1 of this administrative regulation.

(2) The applicant shall not be eligible to take the examination more often than once every forty-five (45) days.

Section 3. Release of Examination Results. The board shall release examination results to:

(1) The candidate;

(2) Other state boards of nursing;

(3) The National Council of State Boards of Nursing, Inc.;

(4) The candidate's program of nursing; and

(5) An individual or agency who submits an applicant's or licensee's written authorization for their release, if applicable.

Section 4. Provisional License.

(1) An applicant shall 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)(a) and (3) 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 this 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) To qualify as direct supervision pursuant to KRS 314.041(5) and KRS 314.051(6), the nurse responsible for the applicant shall be physically present in the facility and

immediately available to the applicant during work hours while the applicant holds a provisional license.

(4) The nurse responsible for the applicant shall be currently licensed or privileged to practice pursuant to KRS 314.475 as a nurse in Kentucky.

(5) Upon notification to the board that the applicant has failed the NCLEX examination after two (2) attempts, the provisional license shall be voided.

(6) A provisional license shall be valid for a period not to exceed six (6) months.

Section 5.

(1) An applicant not from a party state under the Nurse Licensure Compact who is issued a license and who does not have permanent residency in Kentucky shall be issued a license that indicates on the license that it is only valid in Kentucky.

(2) The board may request that an applicant provide evidence of the applicant's state of residence.

~~[Section 6.] [Incorporation by Reference.]~~

~~[(1)] [The following material is incorporated by reference:]~~

~~[(a)] ["Certified List of Kentucky Program of Nursing Graduates", 6/10, Kentucky Board of Nursing; and]~~

~~[(b)] ["Certified List of Out-of-State Program of Nursing Graduates", 6/10, 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 agency's Web site at https://kbn.ky.gov/document-library/Pages/default.aspx]~~

AUDRIA DENKER, President

APPROVED BY AGENCY: October 22, 2026

FILED WITH LRC: November 4, 2026 at 9:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 26, 2027, 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 January 19, 2027, 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 January 31, 2027. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person or submit a comment at: https://secure.kentucky.gov/formservices/Nursing/PendReg.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Jeffrey Prather, Phone: (502) 338-2851, Email: Jeffrey.prather@ky.gov

Subject Headings:

(1) Provide a brief summary of:

(a) What this administrative regulation does:
This administrative regulation establishes the requirements to obtain an RN or LPN license by examination.

(b) The necessity of this administrative regulation:
This administrative regulation is necessary because of KRS 314.041 and KRS 314.051.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
KRS 314.041 and KRS 314.051 require the Board to promulgate an administrative regulation concerning obtaining an RN or LPN license by examination.

(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 processes for obtaining an RN or LPN license by examination.

(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 removes and replaces certified lists of graduates with the board's designated online system to electronically verify the names of applicants who have graduated. It further requires applicants from out-of-state programs of nursing have their school submit a transcript. In-state applicants may also cause a transmit to be submitted by the program.

(b) The necessity of the amendment to this administrative regulation:
To facilitate the process for in-state programs of nursing to submit the names of graduates to expedite their applications; however, the regulation provides in-state applicants may have their program submit a transcript, but requires out-of-state programs to verify graduates via transcript.

(c) How the amendment conforms to the content of the authorizing statutes:
The board must validate applicants have completed the basic curriculum for preparing registered nurses in an approved school of nursing and has completed requirements for graduation in accordance with KRS 314.041(1) and 314.051(1).

(d) How the amendment will assist in the effective administration of the statutes:
The amendment provides for a paperless verification of in-state schools, or by transcript, and maintains a validation process for out-of-state schools.

(3) Does this administrative regulation or amendment implement legislation from the previous five years?No, this amendment does not implement legislation from the previous five years.

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

Kentucky programs of nursing, approximately 120, and applicants for nursing licensure by examination, exact number unknown but approximately 4,000 each year.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment:

In-state programs of nursing will need to verify that applicants have graduated via to the board's designated online portal. Out of state applicants will be required to have their transcripts submitted by the program.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

There will be no additional cost for in-state programs. There will be no additional cost for the out-of-state applicants, beyond the cost charged by the program to obtain transcript.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

Applicants will be able to validate their education.

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

(a) Initially:

No initial cost.

(b) On a continuing basis:

No costs on a continuing basis.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:

Agency funds.

(8) 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 in fees or funding will be necessary.

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

This regulation does not establish or increase any new fees directly or indirectly.

(10) TIERING: Is tiering applied?

Tiering is applied between in-state schools, which are regulated by the board and out-of-state schools of nursing, which are not regulated by the board.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:
KRS 314.131(1); 314.041(1), 314.051(1).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
This administrative regulation is authorized by KRS 314.131(1); 314.041(1), 314.051(1).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:
The Kentucky Board of Nursing.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:None.

For subsequent years:None.

2. Revenues:

For the first year:None.

For subsequent years:None.

3. Cost Savings:

For the first year:None.

For subsequent years:None.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):
None.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:None.

For subsequent years:None.

2. Revenues:

For the first year:None.

For subsequent years:None.

3. Cost Savings:

For the first year:None.

For subsequent years:None.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):
Programs of Nursing and applicants.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. **Expenditures:**

   For the first year:None.

   For subsequent years:None.

2. **Revenues:**

   For the first year:None.

   For subsequent years:None.

3. **Cost Savings:**

   For the first year:None.

   For subsequent years:None.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:
There will not be a fiscal impact on the entities.

(b) Methodology and resources used to reach this conclusion:
Not applicable.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):
There will not be a major economic impact.

(b) The methodology and resources used to reach this conclusion:
Not applicable.