BOARDS AND COMMISSIONS
Board of Nursing
(New Administrative Regulation)

201 KAR 20:710. Determination of License Eligibility (for those convicted of a crime).

RELATES TO: KRS Chapter 13B, Chapter 335B, KRS 314.091(1)(b), 314.091(8), 314.137, 314.161, 314.404

STATUTORY AUTHORITY: KRS 314.131(1), 314.091(8), 314.137, 314.161, 314.404, 335B.030

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of KRS 13A.105(2)(a, d) because this regulation will not have a major economic impact and is necessary to Is necessary to meet a deadline that is established state law.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.020 requires the Board of Nursing to implement a process by which an individual who has been convicted of a crime can obtain a determination regarding whether the conviction will disqualify the individual from either public agency employment or professional licensure. KRS 314.091(1)(b) and (c) provide that the board shall have the power to deny any license or credential to practice nursing issued by the board or applied for in accordance with KRS Chapter 314 or to deny admission to the licensure examination, upon proof that the person has been convicted of any felony or a misdemeanor, in accordance with KRS Chapter 335B, and pursuant to an administrative hearing conducted in accordance with KRS Chapter 13B. KRS 314.404 and KRS 314.137 provide the board with the same authority regarding Licensed Certified Professional Midwives and Dialysis Technicians. KRS 314.091(8) authorizes the board, by administrative regulation, to provide for the recovery of costs of an administrative hearing. This administrative regulation establishes procedures for the determination of employment or licensure/credential eligibility for prospective applicants with a criminal conviction.

Section 1. Application:

(1) To be considered for determination, an applicant shall submit:

(a) A completed and signed determination application;

(b) A non-refundable application fee of twenty-five (25) dollars.

(2) The applicant may submit with the application evidence in accordance with KRS 335B.020(2).

Section 2. Notice of determination of eligibility and right to administrative hearing:

(1) A notice of determination of eligibility shall be issued via email and USPS regular mail to the last known mailing and email addresses of the applicant within sixty (60) days of the filing of the completed application for determination.

(2) The applicant may challenge the determination of ineligibility by requesting and administrative hearing pursuant to KRS 335B.030(1)(a)(2), within fifteen (15) working days of the issuance of the notice of determination to the last known mailing and email addresses of the applicant. The notice shall further state:

(a) The applicant may challenge the determination of ineligibility by requesting an administrative hearing pursuant to KRS 335B.030(1)(a)(2);

(b) If a hearing is not requested in accordance with KRS 31B.050(1)(a)(2), the determination shall remain in effect for a period of one (1) year from (10) working days after service of the notice of determination. The applicant may not reapply during that period.

(c) A request for hearing shall be sent by email to the hearing officer and docket coordinator identified in the notice of determination of ineligibility.

(d) If the written request for hearing is timely submitted, the board shall issue a notice of hearing in accordance with KRS 13B.050(1);

(e) Any new or previously submitted evidence relied upon by the applicant shall be submitted upon reapplication; and

(f) If the final order of the board is adverse to an applicant, the board may impose hearing costs upon the applicant pursuant to 201 KAR 20:162, Section 7.

Section 3. Incorporation by Reference.

(1) "Application for Determination", 10/2026, is incorporated by reference.

(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 website 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.

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