

1 AN ACT relating to opioid prescriptions.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 311.380 TO 311.500 IS
4 CREATED TO READ AS FOLLOWS:

5 *Prescriptions written by a podiatrist licensed to practice podiatry under this chapter for*
6 *any opioid scheduled pursuant to KRS Chapter 218A shall be limited to a three (3) day*
7 *supply, except when prescribed as part of cancer care, palliative care, hospice care, or*
8 *other end-of-life care or, at the discretion of the podiatrist, for serious pain*
9 *management. In those discretionary cases, the podiatrist shall regularly evaluate the*
10 *patient for signs of substance use disorder and shall account for appropriate use of the*
11 *prescription prior to ordering any refill.*

12 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 311.530 TO 311.620 IS
13 CREATED TO READ AS FOLLOWS:

14 *Prescriptions written by a physician licensed to practice medicine or osteopathy under*
15 *this chapter for any opioid scheduled pursuant to KRS Chapter 218A shall be limited*
16 *to a three (3) day supply, except when prescribed as part of cancer care, palliative care,*
17 *hospice care, or other end-of-life care or, at the discretion of the physician, for serious*
18 *pain management. In those discretionary cases, the physician shall regularly evaluate*
19 *the patient for signs of substance use disorder and shall account for appropriate use of*
20 *the prescription prior to ordering any refill.*

21 ➔Section 3. KRS 313.035 is amended to read as follows:

22 (1) The board shall promulgate administrative regulations in accordance with KRS
23 Chapter 13A relating to dentists. The administrative regulations shall include the
24 classification of and licensure of dentists, by examination or credentials, the
25 licensure of specialists, student limited licenses, faculty limited licenses, reciprocity,
26 retirement of a license, reinstatement of a license, charity licenses, and conscious
27 sedation and anesthesia permits.

- 1 (2) Renewal programs shall be organized to include continuing education approved by
2 the board.
- 3 (3) For the purposes of licensure of specialists the board shall only recognize fields of
4 specialty duly recognized and approved by the American Dental Association.
5 Individuals licensed as specialists shall not practice outside of that specialty except
6 as provided for in charitable dentistry as defined by administrative regulation,
7 during a declared disaster by order of the Governor, or when the special needs of the
8 patient require they be followed past the age of eighteen (18) by a pediatric dentist.
- 9 (4) No person licensed under this chapter, who in good faith renders emergency care at
10 the scene of an emergency, shall be liable for any civil damages as a result of any
11 acts or omissions by such person in rendering the emergency care.
- 12 (5) Any dentist who serves on any committee, board, commission, or other entity which
13 is duly constituted by any licensed hospital, dental society or association affiliated
14 with the American Dental Association, dental care foundation affiliated with such
15 dental society or association or governmental or quasi-governmental agency for the
16 purpose of reviewing and evaluating the dental acts of other dentists, or dental
17 auxiliary personnel, shall not be required to respond in damages for any action taken
18 by him or her in good faith as a member of such committee, board, commission, or
19 other entity.
- 20 (6) Licensed dentists may prescribe any drug necessary within the scope of their
21 practice, with the exception of any opioid scheduled pursuant to KRS Chapter
22 218A, for which the following applies:
- 23 (a) Prescriptions shall be limited to a three (3) day supply, except when
24 prescribed as part of cancer care, palliative care, hospice care, or other end-
25 of-life care or, at the discretion of the licensed dentist, for serious pain
26 management.
- 27 (b) In those discretionary cases of serious pain management, the licensed

1 *dentist shall regularly evaluate the patient for signs of substance use*
2 *disorder and shall account for appropriate use of the prescription prior to*
3 *ordering any refill.*

- 4 (7) Dentists may sign death certificates the same as physicians, when necessary in the
5 line of their profession.
- 6 (8) Nothing in this chapter shall apply to a legally licensed doctor of medicine unless he
7 or she practices dentistry as a specialty.
- 8 (9) Nothing in this chapter shall apply to a practitioner of dentistry duly licensed by
9 another state or the District of Columbia while making a clinical demonstration
10 before a dental society, convention, association of dentists, or a dental school.

11 ➔Section 4. KRS 314.011 is amended to read as follows:

12 As used in this chapter, unless the context thereof requires otherwise:

- 13 (1) "Board" means Kentucky Board of Nursing;
- 14 (2) "Delegation" means directing a competent person to perform a selected nursing
15 activity or task in a selected situation under the nurse's supervision and pursuant to
16 administrative regulations promulgated by the board in accordance with the
17 provisions of KRS Chapter 13A;
- 18 (3) "Nurse" means a person who is licensed or holds the privilege to practice under the
19 provisions of this chapter as a registered nurse or as a licensed practical nurse;
- 20 (4) "Nursing process" means the investigative approach to nursing practice utilizing a
21 method of problem-solving by means of:
- 22 (a) Nursing diagnosis, a systematic investigation of a health concern, and an
23 analysis of the data collected in order to arrive at an identifiable problem; and
- 24 (b) Planning, implementation, and evaluation based on nationally accepted
25 standards of nursing practice;
- 26 (5) "Registered nurse" means one who is licensed or holds the privilege under the
27 provisions of this chapter to engage in registered nursing practice;

- 1 (6) "Registered nursing practice" means the performance of acts requiring substantial
2 specialized knowledge, judgment, and nursing skill based upon the principles of
3 psychological, biological, physical, and social sciences in the application of the
4 nursing process in:
- 5 (a) The care, counsel, and health teaching of the ill, injured, or infirm;
 - 6 (b) The maintenance of health or prevention of illness of others;
 - 7 (c) The administration of medication and treatment as prescribed by a physician,
8 physician assistant, dentist, or advanced practice registered nurse and as
9 further authorized or limited by the board, and which are consistent either
10 with American Nurses' Association Scope and Standards of Practice or with
11 standards of practice established by nationally accepted organizations of
12 registered nurses. Components of medication administration include but are
13 not limited to:
 - 14 1. Preparing and giving medications in the prescribed dosage, route, and
15 frequency, including dispensing medications only as defined in
16 subsection (17)(b) of this section;
 - 17 2. Observing, recording, and reporting desired effects, untoward reactions,
18 and side effects of drug therapy;
 - 19 3. Intervening when emergency care is required as a result of drug therapy;
 - 20 4. Recognizing accepted prescribing limits and reporting deviations to the
21 prescribing individual;
 - 22 5. Recognizing drug incompatibilities and reporting interactions or
23 potential interactions to the prescribing individual; and
 - 24 6. Instructing an individual regarding medications;
 - 25 (d) The supervision, teaching of, and delegation to other personnel in the
26 performance of activities relating to nursing care; and
 - 27 (e) The performance of other nursing acts which are authorized or limited by the

1 board, and which are consistent either with American Nurses' Association
2 Standards of Practice or with Standards of Practice established by nationally
3 accepted organizations of registered nurses;

4 (7) "Advanced practice registered nurse" or "APRN" means a certified nurse
5 practitioner, certified registered nurse anesthetist, certified nurse midwife, or
6 clinical nurse specialist, who is licensed to engage in advance practice registered
7 nursing pursuant to KRS 314.042 and certified in at least one (1) population focus;

8 (8) "Advanced practice registered nursing" means the performance of additional acts by
9 registered nurses who have gained advanced clinical knowledge and skills through
10 an accredited education program that prepares the registered nurse for one (1) of the
11 four (4) APRN roles; who are certified by the American Nurses' Association or
12 other nationally established organizations or agencies recognized by the board to
13 certify registered nurses for advanced practice registered nursing as a certified nurse
14 practitioner, certified registered nurse anesthetist, certified nurse midwife, or
15 clinical nurse specialist; and who certified in at least one (1) population focus. The
16 additional acts shall, subject to approval of the board, include but not be limited to
17 prescribing treatment, drugs, devices, and ordering diagnostic tests. Advanced
18 practice registered nurses who engage in these additional acts shall be authorized to
19 issue prescriptions for and dispense nonscheduled legend drugs as defined in KRS
20 217.905 and to issue prescriptions for but not to dispense Schedules II through V
21 controlled substances as classified in KRS 218A.060, 218A.070, 218A.080,
22 218A.090, 218A.100, 218A.110, 218A.120, and 218A.130, under the conditions set
23 forth in KRS 314.042 and regulations promulgated by the Kentucky Board of
24 Nursing on or before August 15, 2006.

25 (a) 1. Prescriptions issued by advanced practice registered nurses for Schedule
26 II controlled substances classified under KRS 218A.060~~[, except~~
27 ~~hydrocodone combination products as defined in KRS 218A.010,]~~ shall

1 be limited to a seventy-two (72) hour supply without any refill.

2 2. ~~Prescriptions issued by advanced practice registered nurses for~~
3 ~~hydrocodone combination products as defined in KRS 218A.010 shall~~
4 ~~be limited to a thirty (30) day supply without any refill.~~

5 3. ~~Prescriptions issued under this subsection for psychostimulants may be~~
6 ~~written for a thirty (30) day supply only by an advanced practice~~
7 ~~registered nurse certified in psychiatric-mental health nursing who is~~
8 ~~providing services in a health facility as defined in KRS Chapter 216B~~
9 ~~or in a regional services program for mental health or individuals with~~
10 ~~an intellectual disability as defined in KRS Chapter 210.~~

11 (b) Prescriptions issued by advanced practice registered nurses for Schedule III
12 controlled substances classified under KRS 218A.080 shall be limited to a
13 thirty (30) day supply without any refill, with the exception of opioids
14 pursuant to paragraph (c) of this subsection. Prescriptions issued by
15 advanced practice registered nurses for Schedules IV and V controlled
16 substances classified under KRS 218A.100 and 218A.120 shall be limited to
17 the original prescription and refills not to exceed a six (6) month supply, with
18 the exception of opioids pursuant to paragraph (c) of this subsection.

19 (c) Prescriptions issued by advanced practice registered nurses for any opioid
20 scheduled pursuant to KRS Chapter 218A shall be limited to a three (3) day
21 supply, except when prescribed as part of cancer care, palliative care,
22 hospice care, or other end-of-life care or, at the discretion of the nurse, for
23 serious pain management. In those discretionary cases, the nurse shall
24 regularly evaluate the patient for signs of substance use disorder and shall
25 account for appropriate use of the prescription prior to ordering any refill.

26 (d) Limitations for specific controlled substances which are identified as having
27 the greatest potential for abuse or diversion, based on the best available

1 scientific and law enforcement evidence, shall be established in an
2 administrative regulation promulgated by the Kentucky Board of Nursing. The
3 regulation shall be based on recommendations from the Controlled Substances
4 Formulary Development Committee, which is hereby created. The committee
5 shall be composed of two (2) advanced practice registered nurses appointed by
6 the Kentucky Board of Nursing, one (1) of whom shall be designated as a
7 committee co-chair; two (2) physicians appointed by the Kentucky Board of
8 Medical Licensure, one (1) of whom shall be designated as a committee co-
9 chair; and one (1) pharmacist appointed by the Kentucky Board of Pharmacy.
10 The initial regulation shall be promulgated on or before August 15, 2006, and
11 shall be reviewed at least annually thereafter by the committee.

12 Nothing in this chapter shall be construed as requiring an advanced practice
13 registered nurse designated by the board as a certified registered nurse anesthetist to
14 obtain prescriptive authority pursuant to this chapter or any other provision of law
15 in order to deliver anesthesia care. The performance of these additional acts shall be
16 consistent with the certifying organization or agencies' scopes and standards of
17 practice recognized by the board by administrative regulation;

18 (9) "Licensed practical nurse" means one who is licensed or holds the privilege under
19 the provisions of this chapter to engage in licensed practical nursing practice;

20 (10) "Licensed practical nursing practice" means the performance of acts requiring
21 knowledge and skill such as are taught or acquired in approved schools for practical
22 nursing in:

23 (a) The observing and caring for the ill, injured, or infirm under the direction of a
24 registered nurse, advanced practice registered nurse, physician assistant,
25 licensed physician, or dentist;

26 (b) The giving of counsel and applying procedures to safeguard life and health, as
27 defined and authorized by the board;

- 1 (c) The administration of medication or treatment as authorized by a physician,
2 physician assistant, dentist, or advanced practice registered nurse and as
3 further authorized or limited by the board which is consistent with the
4 National Federation of Licensed Practical Nurses or with Standards of
5 Practice established by nationally accepted organizations of licensed practical
6 nurses;
- 7 (d) Teaching, supervising, and delegating except as limited by the board; and
- 8 (e) The performance of other nursing acts which are authorized or limited by the
9 board and which are consistent with the National Federation of Practical
10 Nurses' Standards of Practice or with Standards of Practice established by
11 nationally accepted organizations of licensed practical nurses;
- 12 (11) "School of nursing" means a nursing education program preparing persons for
13 licensure as a registered nurse or a practical nurse;
- 14 (12) "Continuing education" means offerings beyond the basic nursing program that
15 present specific content planned and evaluated to meet competency based
16 behavioral objectives which develop new skills and upgrade knowledge;
- 17 (13) "Nursing assistance" means the performance of delegated nursing acts by unlicensed
18 nursing personnel for compensation under supervision of a nurse;
- 19 (14) "Sexual assault nurse examiner" means a registered nurse who has completed the
20 required education and clinical experience and maintains a current credential from
21 the board as provided under KRS 314.142 to conduct forensic examinations of
22 victims of sexual offenses under the medical protocol issued by the Justice and
23 Public Safety Cabinet in consultation with the Sexual Assault Response Team
24 Advisory Committee pursuant to KRS 216B.400(4);
- 25 (15) "Competency" means the application of knowledge and skills in the utilization of
26 critical thinking, effective communication, interventions, and caring behaviors
27 consistent with the nurse's practice role within the context of the public's health,

- 1 safety, and welfare;
- 2 (16) "Credential" means a current license, registration, certificate, or other similar
3 authorization that is issued by the board;
- 4 (17) "Dispense" means:
- 5 (a) To receive and distribute noncontrolled legend drug samples from
6 pharmaceutical manufacturers to patients at no charge to the patient or any
7 other party; or
- 8 (b) To distribute noncontrolled legend drugs from a local, district, and
9 independent health department, subject to the direction of the appropriate
10 governing board of the individual health department;
- 11 (18) "Dialysis care" means a process by which dissolved substances are removed from a
12 patient's body by diffusion, osmosis, and convection from one (1) fluid
13 compartment to another across a semipermeable membrane;
- 14 (19) "Dialysis technician" means a person who is not a nurse, a physician assistant, or a
15 physician and who provides dialysis care in a licensed renal dialysis facility under
16 the direct, on-site supervision of a registered nurse or a physician;
- 17 (20) "Population focus" means the section of the population within which the advanced
18 practice registered nurse has targeted to practice. The categories of population foci
19 are:
- 20 (a) Family and individual across the lifespan;
- 21 (b) Adult gerontology;
- 22 (c) Neonatal;
- 23 (d) Pediatrics;
- 24 (e) Women's health and gender-related health; and
- 25 (f) Psychiatric mental health; and
- 26 (21) "Conviction" means but is not limited to:
- 27 (a) An unvacated adjudication of guilt;

- 1 (b) Pleading no contest or nolo contendere or entering an Alford plea; or
- 2 (c) Entering a guilty plea pursuant to a pretrial diversion order;
- 3 Regardless of whether the penalty is rebated, suspended, or probated.