

1 AN ACT relating to strengthening the controlled substances collaborative  
2 agreement between physicians and advanced practice registered nurses.

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

4 ➔Section 1. KRS 314.042 is amended to read as follows:

- 5 (1) An applicant for licensure to practice as an advanced practice registered nurse shall  
6 file with the board a written application for licensure and submit evidence, verified  
7 by oath, that the applicant:
- 8 (a) Has completed an education program that prepares the registered nurse for one  
9 (1) of four (4) APRN roles that has been accredited by a national nursing  
10 accrediting body recognized by the United States Department of Education;
  - 11 (b) Is certified by a nationally established organization or agency recognized by  
12 the board to certify registered nurses for advanced practice registered nursing;
  - 13 (c) Is able to understandably speak and write the English language and to read the  
14 English language with comprehension; and
  - 15 (d) Has passed the jurisprudence examination approved by the board as provided  
16 in subsection (12) of this section.
- 17 (2) The board may issue a license to practice advanced practice registered nursing to an  
18 applicant who holds a current active registered nurse license issued by the board or  
19 holds the privilege to practice as a registered nurse in this state and meets the  
20 qualifications of subsection (1) of this section. An advanced practice registered  
21 nurse shall be:
- 22 (a) Designated by the board as a certified registered nurse anesthetist, certified  
23 nurse midwife, certified nurse practitioner, or clinical nurse specialist; and
  - 24 (b) Certified in at least one (1) population focus.
- 25 (3) The applicant for licensure or renewal thereof to practice as an advanced practice  
26 registered nurse shall pay a fee to the board as set forth in regulation by the board.
- 27 (4) An advanced practice registered nurse shall maintain a current active registered

1 nurse license issued by the board or hold the privilege to practice as a registered  
2 nurse in this state and maintain current certification by the appropriate national  
3 organization or agency recognized by the board.

4 (5) Any person who holds a license to practice as an advanced practice registered nurse  
5 in this state shall have the right to use the title "advanced practice registered nurse"  
6 and the abbreviation "APRN." No other person shall assume the title or use the  
7 abbreviation or any other words, letters, signs, or figures to indicate that the person  
8 using the same is an advanced practice registered nurse. No person shall practice as  
9 an advanced practice registered nurse unless licensed under this section.

10 (6) Any person heretofore licensed as an advanced practice registered nurse under the  
11 provisions of this chapter who has allowed the license to lapse may be reinstated on  
12 payment of the current fee and by meeting the provisions of this chapter and  
13 regulations promulgated by the board pursuant to the provisions of KRS Chapter  
14 13A.

15 (7) The board may authorize a person to practice as an advanced practice registered  
16 nurse temporarily and pursuant to applicable regulations promulgated by the board  
17 pursuant to the provisions of KRS Chapter 13A if the person is awaiting the results  
18 of the national certifying examination for the first time or is awaiting licensure by  
19 endorsement. A person awaiting the results of the national certifying examination  
20 shall use the title "APRN Applicant" or "APRN App."

21 (8) (a) Except as authorized by KRS 314.196 and subsection (9) of this section,  
22 before an advanced practice registered nurse engages in the prescribing or  
23 dispensing of nonscheduled legend drugs as authorized by KRS 314.011(8),  
24 the advanced practice registered nurse shall enter into a written "Collaborative  
25 Agreement for the Advanced Practice Registered Nurse's Prescriptive  
26 Authority for Nonscheduled Legend Drugs" (CAPA-NS) with a physician  
27 licensed in Kentucky that defines the scope of the prescriptive authority for

- 1 nonscheduled legend drugs.
- 2 (b) The advanced practice registered nurse shall notify the Kentucky Board of  
3 Nursing of the existence of the CAPA-NS and the name of the collaborating  
4 physician and shall, upon request, furnish to the board or its staff a copy of the  
5 completed CAPA-NS. The Kentucky Board of Nursing shall notify the  
6 Kentucky Board of Medical Licensure that a CAPA-NS exists and furnish the  
7 collaborating physician's name.
- 8 (c) The CAPA-NS shall be in writing and signed by both the advanced practice  
9 registered nurse and the collaborating physician. A copy of the completed  
10 collaborative agreement shall be available at each site where the advanced  
11 practice registered nurse is providing patient care.
- 12 (d) The CAPA-NS shall describe the arrangement for collaboration and  
13 communication between the advanced practice registered nurse and the  
14 collaborating physician regarding the prescribing of nonscheduled legend  
15 drugs by the advanced practice registered nurse.
- 16 (e) The advanced practice registered nurse who is prescribing nonscheduled  
17 legend drugs and the collaborating physician shall be qualified in the same or  
18 a similar specialty.
- 19 (f) The CAPA-NS is not intended to be a substitute for the exercise of  
20 professional judgment by the advanced practice registered nurse or by the  
21 collaborating physician.
- 22 (g) The CAPA-NS shall be reviewed and signed by both the advanced practice  
23 registered nurse and the collaborating physician and may be rescinded by  
24 either party upon written notice via registered mail to the other party, the  
25 Kentucky Board of Nursing, and the Kentucky Board of Medical Licensure.
- 26 (9) (a) Before an advanced practice registered nurse may discontinue or be exempt  
27 from a CAPA-NS required under subsection (8) of this section, the advanced

1 practice registered nurse shall have completed four (4) years of prescribing as  
2 a nurse practitioner, clinical nurse specialist, nurse midwife, or as a nurse  
3 anesthetist. For nurse practitioners and clinical nurse specialists, the four (4)  
4 years of prescribing shall be in a population focus as defined in KRS 314.011.

5 (b) After four (4) years of prescribing with a CAPA-NS in collaboration with a  
6 physician:

- 7 1. An advanced practice registered nurse whose license is in good standing  
8 at that time with the Kentucky Board of Nursing and who will be  
9 prescribing nonscheduled legend drugs without a CAPA-NS shall notify  
10 that board that the four (4) year requirement has been met and that he or  
11 she will be prescribing nonscheduled legend drugs without a CAPA-NS;
- 12 2. The advanced practice registered nurse will no longer be required to  
13 maintain a CAPA-NS and shall not be compelled to maintain a CAPA-  
14 NS as a condition to prescribe after the four (4) years have expired, but  
15 an advanced practice registered nurse may choose to maintain a CAPA-  
16 NS indefinitely after the four (4) years have expired; and
- 17 3. If the advanced practice registered nurse's license is not in good  
18 standing, the CAPA-NS requirement shall not be removed until the  
19 license is restored to good standing.

20 (c) An advanced practice registered nurse wishing to practice in Kentucky  
21 through licensure by endorsement is exempt from the CAPA-NS requirement  
22 if the advanced practice registered nurse:

- 23 1. Has met the prescribing requirements in a state that grants independent  
24 prescribing to advanced practice registered nurses; and
- 25 2. Has been prescribing for at least four (4) years.

26 (d) An advanced practice registered nurse wishing to practice in Kentucky  
27 through licensure by endorsement who had a collaborative prescribing

1 agreement with a physician in another state for at least four (4) years is  
2 exempt from the CAPA-NS requirement.

- 3 (e) 1. An advanced practice registered nurse whose license is in good standing  
4 at that time with the Kentucky Board of Nursing and who will be  
5 prescribing nonscheduled legend drugs without a CAPA-NS shall notify  
6 that board that the four (4) year requirement has been met and that he or  
7 she will be prescribing nonscheduled legend drugs without a CAPA-NS.
- 8 2. An advanced practice registered nurse who has maintained a CAPA-NS  
9 for four (4) years or more will no longer be required to maintain a  
10 CAPA-NS and shall not be compelled to maintain a CAPA-NS as a  
11 condition to prescribe after the four (4) years have expired, but an  
12 advanced practice registered nurse may choose to maintain a CAPA-NS  
13 indefinitely after the four (4) years have expired.
- 14 3. An advanced practice registered nurse who has maintained a CAPA-NS  
15 for less than four (4) years shall be required to continue to maintain a  
16 CAPA-NS until the four (4) year period is completed, after which the  
17 CAPA-NS will no longer be required.

18 (10) (a) Before an advanced practice registered nurse engages in the prescribing of  
19 Schedules II through V controlled substances as authorized by KRS  
20 314.011(8), the advanced practice registered nurse shall enter into a  
21 standardized written "Collaborative Agreement for the Advanced Practice  
22 Registered Nurse's Prescriptive Authority for Controlled Substances" (CAPA-  
23 CS) with a physician licensed in Kentucky who is in good standing with the  
24 Kentucky Board of Medical Licensure, that defines the scope of the  
25 prescriptive authority for controlled substances.

26 (b) The standardized written CAPA-CS shall be developed by the Kentucky  
27 Board of Medical Licensure.

1        **(c)** The advanced practice registered nurse shall notify the Kentucky Board of  
2        Nursing of the existence of the CAPA-CS and the name of the collaborating  
3        physician and shall ~~upon request,~~ furnish to the board or its staff a copy of  
4        the completed CAPA-CS. The Kentucky Board of Nursing shall notify the  
5        Kentucky Board of Medical Licensure that a CAPA-CS exists and furnish **a**  
6        **copy of the completed CAPA-CS to the Kentucky Board of Medical**  
7        **Licensure**~~[the collaborating physician's name].~~

8        **(d)**~~**(e)**~~ The CAPA-CS shall be in writing and signed by both the advanced  
9        practice registered nurse and the collaborating physician. A copy of the  
10       completed collaborative agreement shall be available at each site where the  
11       advanced practice registered nurse is providing patient care.

12       **(e)**~~**(d)**~~ The CAPA-CS shall describe the arrangement for collaboration and  
13       communication between the advanced practice registered nurse and the  
14       collaborating physician regarding the prescribing of controlled substances by  
15       the advanced practice registered nurse **and shall include but not be limited to:**

- 16       **1. Standards for medical chart reviews by the collaborating physician;**
- 17       **2. A requirement for an in-person evaluation of the patient by the**  
18       **collaborating physician at least annually;**
- 19       **3. Standards for the review of reports from the electronic monitoring**  
20       **system established under KRS 218A.202 for each patient receiving**  
21       **controlled substances under the collaborative agreement; and**
- 22       **4. A schedule for, at a minimum, quarterly meetings between the**  
23       **collaborating physician and the advanced practice registered nurse to**  
24       **review and discuss:**
  - 25       **a. The status of the CAPA-CS;**
  - 26       **b. A list of any controlled substances that shall not be covered by**  
27       **the collaborative agreement;**

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c. Any restrictions on quantities of controlled substances to be prescribed pursuant to the CAPA-CS; and

d. Specific instances when an advanced practice registered nurse shall communicate with the physician prior to prescribing a controlled substance.

~~(f)(e)~~ The advanced practice registered nurse who is prescribing controlled substances and the collaborating physician shall be qualified in the same or a similar specialty.

~~(g)(f)~~ The CAPA-CS is not intended to be a substitute for the exercise of professional judgment by the advanced practice registered nurse or by the collaborating physician.

~~(h)(g)~~ Before engaging in the prescribing of controlled substances, the advanced practice registered nurse shall:

- 1. Have been licensed to practice as an advanced practice registered nurse for one (1) year with the Kentucky Board of Nursing; or
- 2. Be nationally certified as an advanced practice registered nurse and be registered, certified, or licensed in good standing as an advanced practice registered nurse in another state for one (1) year prior to applying for licensure by endorsement in Kentucky.

~~(i)(h)~~ Prior to prescribing controlled substances, the advanced practice registered nurse shall obtain a Controlled Substance Registration Certificate through the United States~~[U.S.]~~ Drug Enforcement Agency.

~~(j)(i)~~ The CAPA-CS shall be reviewed and signed by both the advanced practice registered nurse and the collaborating physician and may be rescinded by either party upon written notice to the other party and the Kentucky Board of Nursing.

~~(k)(j)~~ The CAPA-CS shall state the limits on controlled substances which may

1           be prescribed by the advanced practice registered nurse, as agreed to by the  
2           advanced practice registered nurse and the collaborating physician. The limits  
3           so imposed may be more stringent than either the schedule limits on  
4           controlled substances established in KRS 314.011(8) or the limits imposed in  
5           regulations promulgated by the Kentucky Board of Nursing thereunder.

6 (11) Nothing in this chapter shall be construed as requiring an advanced practice  
7       registered nurse designated by the board as a certified registered nurse anesthetist to  
8       enter into a collaborative agreement with a physician, pursuant to this chapter or any  
9       other provision of law, in order to deliver anesthesia care.

10 (12) The jurisprudence examination shall be prescribed by the board and be conducted  
11      on the licensing requirements under this chapter and board regulations and  
12      requirements applicable to advanced practice registered nursing in this  
13      Commonwealth. The board shall promulgate administrative regulations in  
14      accordance with KRS Chapter 13A, establishing the provisions to meet this  
15      requirement.