

1 AN ACT relating to nurses.

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

3 ➔Section 1. KRS 314.011 is amended to read as follows:

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

5 (1) "Board" means Kentucky Board of Nursing;

6 (2) "Delegation" means directing a competent person to perform a selected nursing
7 activity or task in a selected situation under the nurse's supervision and pursuant to
8 administrative regulations promulgated by the board in accordance with the
9 provisions of KRS Chapter 13A;

10 (3) "Nurse" means a person who is licensed or holds the privilege to practice under the
11 provisions of this chapter as a registered nurse or as a licensed practical nurse;

12 (4) "Nursing process" means the investigative approach to nursing practice utilizing a
13 method of problem-solving by means of:

14 (a) Nursing diagnosis, a systematic investigation of a health concern, and an
15 analysis of the data collected in order to arrive at an identifiable problem; and

16 (b) Planning, implementation, and evaluation based on nationally accepted
17 standards of nursing practice;

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

20 (6) "Registered nursing practice" means the performance of acts requiring substantial
21 specialized knowledge, judgment, and nursing skill based upon the principles of
22 psychological, biological, physical, and social sciences in the application of the
23 nursing process in:

24 (a) The care, counsel, and health teaching of the ill, injured, or infirm;

25 (b) The maintenance of health or prevention of illness of others;

26 (c) The administration of medication and treatment as prescribed by a physician,
27 physician assistant, dentist, or advanced practice registered nurse and as

1 further authorized or limited by the board, and which are consistent either
2 with American Nurses' Association Scope and Standards of Practice or with
3 standards of practice established by nationally accepted organizations of
4 registered nurses. Components of medication administration include but are
5 not limited to:

- 6 1. Preparing and giving medications in the prescribed dosage, route, and
7 frequency, including dispensing medications only as defined in
8 subsection (17)(a)(b) of this section;
- 9 2. Observing, recording, and reporting desired effects, untoward reactions,
10 and side effects of drug therapy;
- 11 3. Intervening when emergency care is required as a result of drug therapy;
- 12 4. Recognizing accepted prescribing limits and reporting deviations to the
13 prescribing individual;
- 14 5. Recognizing drug incompatibilities and reporting interactions or
15 potential interactions to the prescribing individual; and
- 16 6. Instructing an individual regarding medications;

17 (d) The supervision, teaching of, and delegation to other personnel in the
18 performance of activities relating to nursing care; and

19 (e) The performance of other nursing acts which are authorized or limited by the
20 board, and which are consistent either with American Nurses' Association
21 Standards of Practice or with Standards of Practice established by nationally
22 accepted organizations of registered nurses;

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

27 (8) "Advanced practice registered nursing" means the performance of additional acts by

1 registered nurses who have gained advanced clinical knowledge and skills through
2 an accredited education program that prepares the registered nurse for one (1) of the
3 four (4) APRN roles; who are certified by the American Nurses' Association or
4 other nationally established organizations or agencies recognized by the board to
5 certify registered nurses for advanced practice registered nursing as a certified nurse
6 practitioner, certified registered nurse anesthetist, certified nurse midwife, or
7 clinical nurse specialist; and who certified in at least one (1) population focus. The
8 additional acts shall, subject to approval of the board, include but not be limited to
9 prescribing treatment, drugs, devices, and ordering diagnostic tests. Advanced
10 practice registered nurses who engage in these additional acts shall be authorized to
11 issue prescriptions for and dispense, as defined in KRS 315.010, nonscheduled
12 legend drugs, as defined in KRS 217.905, and to issue prescriptions for but not to
13 dispense Schedules II through V controlled substances described in or as classified
14 pursuant to KRS 218A.020, 218A.060, 218A.080, 218A.100, and 218A.120 under
15 the conditions set forth in KRS 314.042 and regulations promulgated by the
16 Kentucky Board of Nursing on or before August 15, 2006.

17 (a) 1. Prescriptions issued by advanced practice registered nurses for Schedule
18 II controlled substances classified under KRS 218A.060, except
19 hydrocodone combination products as defined in KRS 218A.010, shall
20 be limited to a seventy-two (72) hour supply without any refill.

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

24 3. Prescriptions issued under this subsection for psychostimulants may be
25 written for a thirty (30) day supply only by an advanced practice
26 registered nurse certified in psychiatric-mental health nursing who is
27 providing services in a health facility as defined in KRS Chapter 216B

1 or in a regional services program for mental health or individuals with
2 an intellectual disability as defined in KRS Chapter 210.

3 (b) Prescriptions issued by advanced practice registered nurses for Schedule III
4 controlled substances classified under KRS 218A.080 shall be limited to a
5 thirty (30) day supply without any refill. Prescriptions issued by advanced
6 practice registered nurses for Schedules IV and V controlled substances
7 classified under KRS 218A.100 and 218A.120 shall be limited to the original
8 prescription and refills not to exceed a six (6) month supply.

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

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

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

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

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

25 (c) The administration of medication or treatment as authorized by a physician,
26 physician assistant, dentist, or advanced practice registered nurse and as
27 further authorized or limited by the board which is consistent with the

1 National Federation of Licensed Practical Nurses or with Standards of
2 Practice established by nationally accepted organizations of licensed practical
3 nurses;

4 (d) Teaching, supervising, and delegating except as limited by the board; and
5 (e) The performance of other nursing acts which are authorized or limited by the
6 board and which are consistent with the National Federation of Practical
7 Nurses' Standards of Practice or with Standards of Practice established by
8 nationally accepted organizations of licensed practical nurses;

9 (11) "School of nursing" means a nursing education program preparing persons for
10 licensure as a registered nurse or a practical nurse;

11 (12) "Continuing education" means offerings beyond the basic nursing program that
12 present specific content planned and evaluated to meet competency based
13 behavioral objectives which develop new skills and upgrade knowledge;

14 (13) "Nursing assistance" means the performance of delegated nursing acts by
15 unlicensed nursing personnel for compensation under supervision of a nurse;

16 (14) "Sexual assault nurse examiner" means a registered nurse who has completed the
17 required education and clinical experience and maintains a current credential from
18 the board as provided under KRS 314.142 to conduct forensic examinations of
19 victims of sexual offenses under the medical protocol issued by the Justice and
20 Public Safety Cabinet in consultation with the Sexual Assault Response Team
21 Advisory Committee pursuant to KRS 216B.400(5);

22 (15) "Competency" means the application of knowledge and skills in the utilization of
23 critical thinking, effective communication, interventions, and caring behaviors
24 consistent with the nurse's practice role within the context of the public's health,
25 safety, and welfare;

26 (16) "Credential" means a current license, registration, certificate, or other similar
27 authorization that is issued by the board;

1 (17) "Dispense" or "dispensing" means:

2 (a) If appropriately prescribed by a physician, physician assistant, dentist, or
advanced practice registered nurse:

3 1. To receive and distribute nonscheduled legend drug samples from
4 pharmaceutical manufacturers to patients at no charge to the patient or
5 any other party; or

6 2. [b]} To distribute nonscheduled legend drugs from a local, district, and
7 independent health department, subject to the direction of the
8 appropriate governing board of the individual health department; and

9 (b) For an advanced practice registered nurse who is authorized to dispense
nonscheduled legend drugs, the same as in KRS 315.010.

10 (18) "Dialysis care" means a process by which dissolved substances are removed from a
11 patient's body by diffusion, osmosis, and convection from one (1) fluid
12 compartment to another across a semipermeable membrane;

13 (19) "Dialysis technician" means a person who is not a nurse, a physician assistant, or a
14 physician and who provides dialysis care in a licensed renal dialysis facility under
15 the direct, on-site supervision of a registered nurse or a physician;

16 (20) "Population focus" means the section of the population within which the advanced
17 practice registered nurse has targeted to practice. The categories of population foci
18 are:

19 (a) Family and individual across the lifespan;

20 (b) Adult gerontology;

21 (c) Neonatal;

22 (d) Pediatrics;

23 (e) Women's health and gender-related health; and

24 (f) Psychiatric mental health; and

25 (21) "Conviction" means but is not limited to:

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