

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.

9 Nothing in this chapter shall be construed as requiring an advanced practice  
10 registered nurse designated by the board as a certified registered nurse anesthetist to  
11 obtain prescriptive authority pursuant to this chapter or any other provision of law  
12 in order to deliver anesthesia care. The performance of these additional acts shall be  
13 consistent with the certifying organization or agencies' scopes and standards of  
14 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
- 3 advanced practice registered nurse:
- 4 1. To receive and distribute nonscheduled legend drug samples from
- 5 pharmaceutical manufacturers to patients at no charge to the patient or
- 6 any other party; or
- 7 2. ~~(b)~~ To distribute nonscheduled legend drugs from a local, district, and
- 8 independent health department, subject to the direction of the
- 9 appropriate governing board of the individual health department; and
- 10 (b) For an advanced practice registered nurse who is authorized to dispense
- 11 nonscheduled legend drugs, the same as in KRS 315.010.
- 12 (18) "Dialysis care" means a process by which dissolved substances are removed from a
- 13 patient's body by diffusion, osmosis, and convection from one (1) fluid
- 14 compartment to another across a semipermeable membrane;
- 15 (19) "Dialysis technician" means a person who is not a nurse, a physician assistant, or a
- 16 physician and who provides dialysis care in a licensed renal dialysis facility under
- 17 the direct, on-site supervision of a registered nurse or a physician;
- 18 (20) "Population focus" means the section of the population within which the advanced
- 19 practice registered nurse has targeted to practice. The categories of population foci
- 20 are:
- 21 (a) Family and individual across the lifespan;
- 22 (b) Adult gerontology;
- 23 (c) Neonatal;
- 24 (d) Pediatrics;
- 25 (e) Women's health and gender-related health; and
- 26 (f) Psychiatric mental health; and
- 27 (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.