

BOARDS AND COMMISSIONS

Board of Nursing (Amendment)

201 KAR 20:370. Applications for licensure.

RELATES TO: KRS 314.041, 314.042, 314.051, 314.071, 314.091, 314.103, 314.475

STATUTORY AUTHORITY: KRS 314.041, 314.042, 314.051, 314.071, 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations as may be necessary to enable it to carry into effect the provisions of KRS Chapter 314. KRS 314.041, 314.042, 314.051, and 314.071 require the board to review an application for licensure and a licensee for conformity with KRS Chapter 314. This administrative regulation establishes requirements and procedures for licensure.

Section 1. To be eligible for licensure by examination, endorsement, renewal, reinstatement, retired licensure status, or for advanced practice registered nurse licensure, renewal, or reinstatement, an applicant shall:

- (1) Submit the completed application form to the board office, for:
 - (a) RN or LPN licensure by examination, endorsement, or reinstatement, Application for Licensure;
 - (b) For RN or LPN Renewal, Annual Licensure Renewal Application: RN or LPN;
 - (c) Licensure or reinstatement as an advanced practice registered nurse, Application for Licensure as an Advanced Practice Registered Nurse;
 - (d) Renewal as an RN and an APRN, Annual Licensure Renewal Application: RN and APRN;
 - (e) Licensure as an RN and as an APRN, Application for RN and APRN Licensure;
 - (f) Retired licensure status, Application for Retired Status;
 - (g) APRN renewal with an RN Compact license, Annual Licensure Renewal Application: APRN with RN Compact License (not Kentucky);
 - (h) APRN renewal with a Kentucky RN License, Annual Licensure Renewal Application, APRN with Kentucky RN License; or
 - (i) In addition to any other renewal form, for APRN renewal, APRN Practice Data;
- (2) Submit the current application fee, as required by 201 KAR 20:240;
- (3) Submit a certified or attested copy of the court record of each misdemeanor or felony conviction in this or any other jurisdiction and a letter of explanation that addresses each conviction, except for traffic-related misdemeanors (other than DUI) or misdemeanors older than five (5) years;
- (4) Submit a certified copy of a disciplinary action taken in another jurisdiction with a letter of explanation or report a disciplinary action pending on a nurse licensure application or license in another jurisdiction;
- (5) Have paid all monies due to the board;
- (6) Submit a copy of an official name change document (court order, marriage certificate, divorce decree, Social Security card), if applicable;
- (7) Submit additional information as required by the board in 201 KAR Chapter 20;
- (8) Meet the additional requirements for:
 - (a) Licensure by examination established by 201 KAR 20:070;
 - (b) Licensure by endorsement established by 201 KAR 20:110;
 - (c) Licensure by reinstatement established by 201 KAR 20:225;
 - (d) Licensure by renewal established by 201 KAR 20:230;
 - (e) Retired nurse or inactive licensure status established by 201 KAR 20:095; or

- (f) Advanced practice registered nurse licensure, renewal, or reinstatement established by 201 KAR 20:056;
- (9) If not a citizen of the United States, maintain proof of legal permanent or temporary residency under the laws and regulations of the United States; and
- (10) Notify the board upon establishment of a new mailing address.

Section 2. An application shall lapse and the fee shall be forfeited if the application is not completed:

- (1) For an application for licensure by endorsement, within six (6) months from the date the application form is filed with the board office;
- (2) For an application for licensure by examination, within one (1) year from the date the application form is filed with the board office or the date the applicant fails the examination, whichever comes first; or
- (3) For all other applications except renewal of license applications, within one (1) year from the date the application form is filed with the board office.

Section 3. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Application for Licensure", 1/2016, Kentucky Board of Nursing;
 - (b) "Annual Licensure Renewal Application: RN or LPN", ~~02/2022~~~~[02/2021]~~, Kentucky Board of Nursing;
 - (c) "Application for Licensure as an Advanced Practice Registered Nurse", 1/2016, Kentucky Board of Nursing;
 - (d) "Annual Licensure Renewal Application: RN and APRN", ~~02/2022~~~~[02/2021]~~, Kentucky Board of Nursing;
 - (e) "Application for RN and APRN Licensure", 1/2016, Kentucky Board of Nursing;
 - (f) "Application for Retired Status", 8/2004, Kentucky Board of Nursing;
 - (g) "Annual Licensure Renewal Application: APRN with RN Compact License (not Kentucky)", ~~02/2022~~~~[02/2021]~~, Kentucky Board of Nursing;
 - (h) "Annual Licensure Renewal Application, APRN with Kentucky RN License", ~~02/2022~~~~[02/2021]~~, Kentucky Board of Nursing; and
 - (i) "APRN Practice Data", 6/2012, Kentucky Board of Nursing.
- (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, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at <https://kbn.ky.gov/conpro/Pages/Laws-and-Regulations.aspx>.~~[https://kbn.ky.gov/legalopinions/Pages/laws.aspx.]~~

JESSICA WILSON, President

APPROVED BY AGENCY: February 17, 2022

FILED WITH LRC: March 9, 2022 at 9:15 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, May 23, 2022, at 10:00 a.m. (EDT) in the office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by Monday, May 16, 2022, five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. 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

until end of day (11:59 p.m. EDT) Tuesday, May 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jeffrey R. Prather, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, phone (502) 338-2851, email Jeffrey.Prather@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Jeffrey R. Prather

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation incorporates the various application forms and sets some requirements.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary because of the licensure provisions for KRS Chapter 314.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This administrative regulation conforms to the content of the authorizing statutes by incorporating the various forms and setting requirements.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation assists in the effective administration of the statutes by providing for the appropriate application forms and data.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The changes are to license renewal application forms. These changes provide for licensees to complete a Workforce Data Survey as part of their renewal applications.

(b) The necessity of the amendment to this administrative regulation:

Amendment is needed to obtain valid data to track the nursing workforce in Kentucky.

(c) How the amendment conforms to the content of the authorizing statutes:

By requiring workforce data.

(d) How the amendment will assist in the effective administration of the statutes:

By providing statistically relevant information for tracking the nursing workforce in Kentucky.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

All licensed nurses, approximately 90,000.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

No action is necessary until renewal. During renewal nurses will need to provide workforce data as part of their applications.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There is no cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

The Board of Nursing will be able to see where there may be staffing deficiencies in the nursing workforce.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There is no additional cost.

(b) On a continuing basis:

There is no additional cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase is needed.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

It does not.

(9) TIERING: Is tiering applied?

Tiering was not applied as the changes apply to all equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Kentucky Board of Nursing.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 314.131.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

None

(c) How much will it cost to administer this program for the first year?

No additional cost.

(d) How much will it cost to administer this program for subsequent years?

No additional cost.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: