

## BOARDS AND COMMISSIONS

### Board of Nursing

#### (Amendment)

#### **201 KAR 20:240. Fees for applications and ~~for~~ services.**

RELATES TO: KRS 61.874(3), 314.027(2), 314.041(11), (13)(c), 314.042(3), (6), ~~(14)(b)(4)~~, 314.051(2), (13)(c), 314.071(1), (2), 314.073(7), 314.075(1), 314.101(4), 314.142(1)(b), 314.161, 314.171(4)

STATUTORY AUTHORITY: KRS 314.041(11), (13)(c), 314.042(3), (6), ~~(14)(b)(4)~~, 314.051(2), (13)(c), 314.071(1), (2), 314.073(7), 314.131(1), 314.142(1)(b), 314.161

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131 authorizes the board to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 314. KRS 314.142(1)(b) requires the board to establish an application fee for a registered nurse who applies to the board to be credentialed as a "sexual assault nurse examiner". KRS 314.161 authorizes the board to establish fees necessary to implement KRS Chapter 314. KRS 314.041(11), (13)(c), 314.042(3), (6), ~~(14)(b)(4)~~, 314.051(2), (13)(c), 314.071(1), (2), and 314.073(7) require the board to establish fees for licensure, examination, renewal, reinstatement, and continuing education. This administrative regulation establishes those fees.

#### Section 1. Fees for Licensure Applications.

- (1) The board shall collect a fee for:
  - (a) An application for licensure; and
  - (b) Licensure renewal or reinstatement.
- (2) The fee for an application shall be:
  - (a) Licensure by endorsement as a registered nurse - \$165;
  - (b) Licensure by endorsement as a licensed practical nurse - \$165;
  - (c) Licensure by examination as a registered nurse - \$125;
  - (d) Licensure by examination as a licensed practical nurse - \$125;
  - (e) Renewal of license - fifty-five (55) dollars;
  - (f) Retired status - twenty-five (25) dollars;
  - (g) Reinstatement of license - \$135;
  - (h) Paper copy of an application - forty (40) dollars;
  - (i) Full verification of licensure, credential or registration history - fifty (50) dollars;
  - (j) Licensure as an advanced practice registered nurse - \$165;
  - (k) Renewal of licensure as an advanced practice registered nurse - fifty-five (55) dollars;
  - (l) Reinstatement of licensure as an advanced practice registered nurse - \$135;
  - (m) Name change - twenty-five (25) dollars;
  - (n) Application to establish a registered nurse or licensed practical nurse prelicensure program of nursing pursuant to 201 KAR 20:280 - \$2,000;
  - (o) Information submitted to establish an advanced practice registered nurse program pursuant to 201 KAR 20:062 - \$2,000; or
  - (p) Information submitted to establish an additional track pursuant to 201 KAR 20:062 - \$500.
- (3) An application or information submitted under this section shall not be evaluated by the board unless the current fee is submitted.

Section 2. Fees for Applications for Continuing Education Approvals. The fee for an application for approval of a provider of continuing education or for a renewal or reinstatement of the approval shall be:

- (1) Initial provider approval - \$400;

- (2) Reinstatement of provider approval - \$400;
- (3) Renewal of approval - \$100; or
- (4) Individual review of continuing education offerings - ten (10) dollars.

Section 3. Fees for Services.

- (1) The fee for a service shall be:
  - (a) Validation of the current status of a temporary work permit, provisional license, license, or credential:
    1. If requested in writing in individual nurse format - fifty (50) dollars; or
    2. If requested in writing in list format - fifty (50) dollars for the first name and twenty (20) dollars for each additional name;
  - (b) Copy of an examination result or transcript - twenty-five (25) dollars;
  - (c) Nursing certificate - thirty (30) dollars;~~[-or]~~
  - (d) Release of NCLEX results to another state board of nursing - seventy-five (75) dollars~~[-];~~
  - (e) Review a request from an advanced practice nurse to be exempt from the Collaborative Agreement for the Advanced Practice Registered Nurse's Prescriptive Authority for Controlled Substances - fifty (50) dollars.
- (2) An applicant for licensure who takes or retakes the licensure examination shall pay:
  - (a) The current examination fee required by the national council of state boards of nursing; and
  - (b) Application for licensure fee pursuant to Section 1 of this administrative regulation.
- (3) A graduate of a foreign school of nursing shall be responsible for:
  - (a) Costs incurred to submit credentials translated into English;
  - (b) Immigration documents; and
  - (c) Other documents needed to verify that the graduate has met Kentucky licensure requirements.
- (4) A program of nursing that requires a site visit pursuant to 201 KAR 20:360, Section 5, shall pay the cost of the site visit to the board.

Section 4. An application shall lapse and the fee shall be forfeited if the application is not completed as follows:

- (1) For an application for licensure by endorsement, within one (1) year 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;
- (3) For an application for reinstatement of license, within one (1) year from the date the application form is filed with the board office; or
- (4) For all other applications, except for renewal of license applications, within one (1) year from the date the application form is filed with the board office.

Section 5. An applicant who meets all requirements for approval, licensure, or credential shall be issued the appropriate approval, license, or credential without additional fee.

Section 6. Fees for Sexual Assault Nurse Examiners.

- (1) The application fee shall be \$120.
- (2) The credential renewal fee shall be fifty (50) dollars.
- (3) The credential reinstatement fee shall be \$120.

Section 7. A payment for an application fee that is in an incorrect amount shall be returned and the application shall not be posted until the correct fee is received.

Section 8. Bad Transaction Fee. Any transaction, including paper or electronic, submitted to the board for payment of a fee which is returned for nonpayment shall be assessed a bad transaction fee of thirty-five (35) dollars.

*AUDRIA DENKER, President*

APPROVED BY AGENCY: May 4, 2023

FILED WITH LRC: May 9, 2023 at 2:40 p.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on July 24, 2023 at 10:00 a.m. at Kentucky Board of Nursing, 312 Whittington Parkway, Ste 300, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing by July 17, 2023, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. 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 through July 31, 2023. 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, (502) 338-2851, email Jeffrey.Prather@ky.gov; or submit a comment at: <https://secure.kentucky.gov/formservices/Nursing/PendReg>.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person: Jeffrey Prather**

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This administrative regulation sets fees.

**(b) The necessity of this administrative regulation:**

This regulation is required by statute.

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

By setting fees.

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

By setting fees.

**(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:**

It establishes a fee to process a request from an advanced practice nurse (APRN) to be exempt from the Collaborative Agreement for the Advanced Practice Registered Nurse's Prescriptive Authority for Controlled Substances (CAPA-CS).

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

Amendment is needed to conform with KRS 314.042(14).

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

By setting the required fee amount.

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

By providing a fee to cover agency staff time.

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

APRNs who have been prescribing controlled substances for more than 4 years, approximately 4000.

**(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:**

APRNs will need to submit a request via APRN update portal.

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

It will cost \$50 to request a CAPA-CS exemption request.

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

If the APRN is in good standing and meets statutory requirements, the APRN will be exempt from the statutory and regulatory requirements of being a party to a CAPA-CS.

**(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 establishes any fees or directly or indirectly increases any fees:**

It establishes a fee.

**(9) TIERING: Is tiering applied?**

The changes will apply equally, there is no tiering.

## FISCAL NOTE

**(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?**

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 and 314.042.

**(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:**

**(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.**

**(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?**

From the Board, none; however, an APRN may have had to pay a fee to be party to a CAPA-CS agreement as a term of the agreement with the physician.

**(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?**

No additional cost saving.

**(c) How much will it cost the regulated entities for the first year?**

No additional cost.

**(d) How much will it cost the regulated entities 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.**

**Cost Savings (+/-):**

**Expenditures (+/-):**

**Other Explanation:**

**(5) Explain whether this administrative regulation will have a major economic impact, as defined below.**

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This administrative regulation will not have a major economic impact.