

BOARDS AND COMMISSIONS

Board of Nursing (Amendment)

201 KAR 20:230. Renewal of licenses.

RELATES TO: KRS 314.041, 314.051, 314.071, 314.073

STATUTORY AUTHORITY: KRS 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the board to promulgate administrative regulations to implement the provisions of KRS Chapter 314. This administrative regulation establishes requirements and procedures for the renewal of nursing licenses.

Section 1. Eligibility for Renewal of Licenses. To be eligible for renewal of licenses, applicants shall:

- (1) Hold a valid and current license issued by the board;
- (2) Submit a completed application form as required by 201 KAR 20:370 to the board ~~office~~;
- (3) Submit the current fee required by 201 KAR 20:240;
- (4) Have met requirements of 201 KAR 20:215, if applicable;
- (5) Submit certified copies of court records of any misdemeanor or felony convictions with a letter of explanation;
- (6) Submit certified copies of any disciplinary actions taken in other jurisdictions with a letter of explanation or report any disciplinary action pending on nursing or other professional or business licenses in other jurisdictions; and
- (7) Have paid all monies due to the board.

Section 2. The licensure period for renewal of licenses shall be as established in 201 KAR 20:085.

Section 3.

(1) ~~The [If the] application [form is submitted on line, it]~~shall be submitted online to [received by] the board prior to midnight on the last day of the licensure period.

(2) ~~[If a paper application is submitted, it shall be received no later than the last day of the licensure period. If the application is not received by the board until after the last day of the licensure period, the application shall have been postmarked at least seven (7) days prior to the last day of the licensure period.]~~

~~[(3)]~~ All information needed to determine that an applicant meets the requirements for renewal of licensure shall be submitted online to [received by] the board no later than midnight eastern time on the last day of the licensure period.~~[If the information is not received by the board until after the last day of the licensure period, in order to be considered by the board for the current renewal, the information shall have been postmarked at least seven (7) days prior to the last day of the licensure period].~~

(3) ~~[(4)]~~ Failure to comply with these requirements shall result in the license lapsing. A person whose license has lapsed shall comply with 201 KAR 20:225 to reinstate the license.

(9 Ky.R. 289; 400; eff. 9-8-1982; 11 Ky.R. 1632; eff. 6-4-1985; 14 Ky.R. 587; eff. 11-6-1987; 19 Ky.R.1643; 2-17-1993; 23 Ky.R. 3076; 3560; 3-19-1997; 28 Ky.R. 130; 558; 9-10-2001; 31 Ky.R. 802; 1060; eff. 1-4-2005; 32 Ky.R. eff. 10-19-2005; 36 Ky.R. 1304 eff. 3-5-2010; 37 Ky.R. 952; eff. 10-20-2010; 39 Ky.R. 257; eff. 10-17-2012; Crt eff. 5-10-2019; 46 Ky.R. 2690; 47 Ky.R. 57; eff. 7-29-2020; 51 Ky.R. 377; eff. 11-18-2024.)

AUDRIA DENKER, President

APPROVED BY AGENCY: June 20, 2024

FILED WITH LRC: July 9, 2024 at 12:05 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2024 at 10:00 AM 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 September 16, 2024, 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 September 30, 2024. 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, 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 requirements for renewal of a nurse's license.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary because of KRS 314.071.

(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 setting requirements for license renewal.

(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 setting requirements for license renewal.

(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 amendment clarifies the deadline for renewal applications that must be submitted online.

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

The administrative regulation is necessary to specifically set the deadlines.

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

By setting clear deadlines and submission requirements.

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

Nurses will know the method and deadlines to renew their licenses.

(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:

They will have to submit their renewal application within the renewal period.

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

They will pay the renewal fee set in 201 KAR 20:240.

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

They will be in compliance with the administrative regulation.

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

(a) Initially:

No additional cost.

(b) On a continuing basis:

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 fee increase is required.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

It does not.

(9) TIERING: Is tiering applied?

Tiering is not applied; the changes apply to all equally.

FISCAL IMPACT STATEMENT

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

Kentucky Revised Statutes 314.071, and 314.131(1).

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Kentucky Board of Nursing.

(a) Estimate the following for the first year:

Expenditures:No expenditures to estimate.

Revenues:No revenues to estimate.

Cost Savings:No additional cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There will be no difference to expenditures, revenues, or cost savings.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

None.

(a) Estimate the following for the first year:

Expenditures:N/A

Revenues:N/A

Cost Savings:N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

N/A

(4) Identify additional regulated entities not listed in questions (2) or (3):

Nurses licensed by the Board.

(a) Estimate the following for the first year:

Expenditures:No expenditures.

Revenues:No revenues.

Cost Savings:No cost savings, are minimal regarding the cost of mailing applications to the Board. But they are difficult to estimate.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There will be no difference to expenditures, revenues, or cost savings.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

The renewal process is online through the nurse portal and the Optimal Regulatory Board System (ORBS), which is provided by the National Council of State Boards of Nursing. Nurses no longer mail paper renewal applications.

(b) Methodology and resources used to determine the fiscal impact:

N/A

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

This administrative regulation will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion:

N/A.