

1 AN ACT relating to nursing.

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 ***or ordered*** by a  
27 physician, physician assistant, dentist, or advanced practice registered nurse

1 and as further authorized or limited by the board, and which are consistent  
2 either with American Nurses' Association Scope and Standards of Practice or  
3 with 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)(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 **and ordering** treatment, drugs, devices, and ~~ordering~~ diagnostic tests.  
10 Advanced practice registered nurses who engage in these additional acts shall be  
11 authorized to issue prescriptions for and dispense nonscheduled legend drugs as  
12 defined in KRS 217.905 and to issue prescriptions for but not to dispense Schedules  
13 II through V controlled substances described in or as classified pursuant to KRS  
14 218A.020, 218A.060, 218A.080, 218A.100, and 218A.120 under the conditions set  
15 forth in KRS 314.042 and regulations promulgated by the Kentucky Board of  
16 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 prescribed or  
26 ordered~~authorized~~ by a physician, physician assistant, dentist, or advanced  
27 practice registered nurse and as further authorized or limited by the board

- 1           which is consistent with the National Federation of Licensed Practical Nurses  
2           or with Standards of Practice established by nationally accepted organizations  
3           of licensed practical 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 unlicensed  
15           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(4);
- 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" means:
- 2 (a) To receive and distribute nonscheduled legend drug samples from
- 3 pharmaceutical manufacturers to patients at no charge to the patient or any
- 4 other party; or
- 5 (b) To distribute nonscheduled legend drugs from a local, district, and
- 6 independent health department, subject to the direction of the appropriate
- 7 governing board of the individual health department;
- 8 (18) "Dialysis care" means a process by which dissolved substances are removed from a
- 9 patient's body by diffusion, osmosis, and convection from one (1) fluid
- 10 compartment to another across a semipermeable membrane;
- 11 (19) "Dialysis technician" means a person who is not a nurse, a physician assistant, or a
- 12 physician and who provides dialysis care in a licensed renal dialysis facility under
- 13 the direct, on-site supervision of a registered nurse or a physician;
- 14 (20) "Population focus" means the section of the population within which the advanced
- 15 practice registered nurse has targeted to practice. The categories of population foci
- 16 are:
- 17 (a) Family and individual across the lifespan;
- 18 (b) Adult gerontology;
- 19 (c) Neonatal;
- 20 (d) Pediatrics;
- 21 (e) Women's health and gender-related health; and
- 22 (f) Psychiatric mental health; and
- 23 (21) "Conviction" means but is not limited to:
- 24 (a) An unvacated adjudication of guilt;
- 25 (b) Pleading no contest or nolo contendere or entering an Alford plea; or
- 26 (c) Entering a guilty plea pursuant to a pretrial diversion order;
- 27 Regardless of whether the penalty is rebated, suspended, or probated.

1       ➔Section 2. KRS 314.021 is amended to read as follows:

2       (1) It is the declared policy of the General Assembly of Kentucky that the practice of  
3       nursing should be regulated and controlled as provided herein and by regulations of  
4       the board in order to protect and safeguard the health and safety of the citizens of  
5       the Commonwealth of Kentucky.

6       (2) All individuals licensed or privileged under provisions of this chapter shall be  
7       responsible and accountable for making decisions that are based upon the  
8       individuals' educational preparation and experience ~~[in nursing]~~ and shall practice  
9       ~~[nursing]~~ with reasonable skill and safety.

10       ➔Section 3. KRS 314.042 is amended to read as follows:

11       (1) An applicant for licensure to practice as an advanced practice registered nurse shall  
12       file with the board a written application for licensure and submit evidence, verified  
13       by oath, that the applicant:

14       (a) Has completed an education program that prepares the registered nurse for one  
15       (1) of four (4) APRN roles that has been accredited by a national nursing  
16       accrediting body recognized by the United States Department of Education;

17       (b) Is certified by a nationally established organization or agency recognized by  
18       the board to certify registered nurses for advanced practice registered nursing;

19       (c) Is able to understandably speak and write the English language and to read the  
20       English language with comprehension; and

21       (d) Has passed the jurisprudence examination approved by the board as provided  
22       in subsection (12) of this section.

23       (2) The board may issue a license to practice advanced practice registered nursing to an  
24       applicant who holds a current active registered nurse license issued by the board or  
25       holds the privilege to practice as a registered nurse in this state and meets the  
26       qualifications of subsection (1) of this section. An advanced practice registered  
27       nurse shall be:

- 1 (a) Designated by the board as a certified registered nurse anesthetist, certified  
2 nurse midwife, certified nurse practitioner, or clinical nurse specialist; and
- 3 (b) Certified in at least one (1) population focus.
- 4 (3) The applicant for licensure or renewal thereof to practice as an advanced practice  
5 registered nurse shall pay a fee to the board as set forth in regulation by the board.
- 6 (4) An advanced practice registered nurse shall maintain a current active registered  
7 nurse license issued by the board or hold the privilege to practice as a registered  
8 nurse in this state and maintain current certification by the appropriate national  
9 organization or agency recognized by the board.
- 10 (5) Any person who holds a license to practice as an advanced practice registered nurse  
11 in this state shall have the right to use the title "advanced practice registered nurse"  
12 and the abbreviation "APRN." No other person shall assume the title or use the  
13 abbreviation or any other words, letters, signs, or figures to indicate that the person  
14 using the same is an advanced practice registered nurse. No person shall practice as  
15 an advanced practice registered nurse unless licensed under this section.
- 16 (6) Any person heretofore licensed as an advanced practice registered nurse under the  
17 provisions of this chapter who has allowed the license to lapse may be reinstated on  
18 payment of the current fee and by meeting the provisions of this chapter and  
19 regulations promulgated by the board pursuant to the provisions of KRS Chapter  
20 13A.
- 21 (7) The board may authorize a person to practice as an advanced practice registered  
22 nurse temporarily and pursuant to applicable regulations promulgated by the board  
23 pursuant to the provisions of KRS Chapter 13A if the person is awaiting ~~the results~~  
24 ~~of the national certifying examination for the first time or is awaiting~~ licensure by  
25 endorsement. ~~A person awaiting the results of the national certifying examination~~  
26 ~~shall use the title "APRN Applicant" or "APRN App."~~
- 27 (8) (a) Except as authorized by ~~[KRS 314.196 and]~~ subsection (9) of this section,



1 before an advanced practice registered nurse engages in the prescribing or  
2 dispensing of nonscheduled legend drugs as authorized by KRS 314.011(8),  
3 the advanced practice registered nurse shall enter into a written "Collaborative  
4 Agreement for the Advanced Practice Registered Nurse's Prescriptive  
5 Authority for Nonscheduled Legend Drugs" (CAPA-NS) with a physician  
6 licensed in Kentucky that defines the scope of the prescriptive authority for  
7 nonscheduled legend drugs.

8 (b) The advanced practice registered nurse shall notify the Kentucky Board of  
9 Nursing of the existence of the CAPA-NS and the name of the collaborating  
10 physician and shall, upon request, furnish to the board or its staff a copy of the  
11 completed CAPA-NS. The Kentucky Board of Nursing shall notify the  
12 Kentucky Board of Medical Licensure that a CAPA-NS exists and furnish the  
13 collaborating physician's name.

14 (c) The CAPA-NS shall be in writing and signed by both the advanced practice  
15 registered nurse and the collaborating physician. **The parties shall utilize the**  
16 **Common CAPA-NS adopted by the board in 2015.** A copy of the completed  
17 collaborative agreement shall be available at each site where the advanced  
18 practice registered nurse is providing patient care.

19 (d) The CAPA-NS shall describe the arrangement for collaboration and  
20 communication between the advanced practice registered nurse and the  
21 collaborating physician regarding the prescribing of nonscheduled legend  
22 drugs by the advanced practice registered nurse.

23 (e) The advanced practice registered nurse who is prescribing nonscheduled  
24 legend drugs and the collaborating physician shall be qualified in the same or  
25 a similar specialty.

26 (f) The CAPA-NS is not intended to be a substitute for the exercise of  
27 professional judgment by the advanced practice registered nurse or by the

1 collaborating physician.

2 (g) The CAPA-NS shall be reviewed and signed by both the advanced practice  
3 registered nurse and the collaborating physician and may be rescinded by  
4 either party upon written notice ~~[via registered mail]~~ to the other party and ~~[~~  
5 the Kentucky Board of Nursing~~], and the Kentucky Board of Medical~~  
6 ~~Licensure]~~.

7 (9) (a) Before an advanced practice registered nurse may discontinue or be exempt  
8 from a CAPA-NS required under subsection (8) of this section, the advanced  
9 practice registered nurse shall have completed four (4) years of prescribing as  
10 a nurse practitioner, clinical nurse specialist, nurse midwife, or as a nurse  
11 anesthetist. For nurse practitioners and clinical nurse specialists, the four (4)  
12 years of prescribing shall be in a population focus as defined in KRS 314.011.

13 (b) After four (4) years of prescribing with a CAPA-NS in collaboration with a  
14 physician:

15 1. An advanced practice registered nurse whose license is in good standing  
16 at that time with the Kentucky Board of Nursing and who will be  
17 prescribing nonscheduled legend drugs without a CAPA-NS shall notify  
18 that board that the four (4) year requirement has been met and that he or  
19 she will be prescribing nonscheduled legend drugs without a CAPA-NS;

20 2. The advanced practice registered nurse will no longer be required to  
21 maintain a CAPA-NS and shall not be compelled to maintain a CAPA-  
22 NS as a condition to prescribe after the four (4) years have expired, but  
23 an advanced practice registered nurse may choose to maintain a CAPA-  
24 NS indefinitely after the four (4) years have expired; and

25 3. If the advanced practice registered nurse's license is not in good  
26 standing, the CAPA-NS requirement shall not be removed until the  
27 license is restored to good standing.

- 1 (c) An advanced practice registered nurse wishing to practice in Kentucky  
2 through licensure by endorsement is exempt from the CAPA-NS requirement  
3 if the advanced practice registered nurse:
- 4 1. Has met the prescribing requirements in a state that grants independent  
5 prescribing to advanced practice registered nurses; and
  - 6 2. Has been prescribing for at least four (4) years.
- 7 (d) An advanced practice registered nurse wishing to practice in Kentucky  
8 through licensure by endorsement who had a collaborative prescribing  
9 agreement with a physician in another state for at least four (4) years is  
10 exempt from the CAPA-NS requirement.
- 11 (e) 1. An advanced practice registered nurse whose license is in good standing  
12 at that time with the Kentucky Board of Nursing and who will be  
13 prescribing nonscheduled legend drugs without a CAPA-NS shall notify  
14 that board that the four (4) year requirement has been met and that he or  
15 she will be prescribing nonscheduled legend drugs without a CAPA-NS.
- 16 2. An advanced practice registered nurse who has maintained a CAPA-NS  
17 for four (4) years or more will no longer be required to maintain a  
18 CAPA-NS and shall not be compelled to maintain a CAPA-NS as a  
19 condition to prescribe after the four (4) years have expired, but an  
20 advanced practice registered nurse may choose to maintain a CAPA-NS  
21 indefinitely after the four (4) years have expired.
  - 22 3. An advanced practice registered nurse who has maintained a CAPA-NS  
23 for less than four (4) years shall be required to continue to maintain a  
24 CAPA-NS until the four (4) year period is completed, after which the  
25 CAPA-NS will no longer be required.
- 26 (10) (a) Before an advanced practice registered nurse engages in the prescribing of  
27 Schedules II through V controlled substances as authorized by KRS

- 1           314.011(8), the advanced practice registered nurse shall enter into a written  
2           "Collaborative Agreement for the Advanced Practice Registered Nurse's  
3           Prescriptive Authority for Controlled Substances" (CAPA-CS) with a  
4           physician licensed in Kentucky that defines the scope of the prescriptive  
5           authority for controlled substances.
- 6           (b) The advanced practice registered nurse shall notify the Kentucky Board of  
7           Nursing of the existence of the CAPA-CS and the name of the collaborating  
8           physician and shall, upon request, furnish to the board or its staff a copy of the  
9           completed CAPA-CS. The Kentucky Board of Nursing shall notify the  
10          Kentucky Board of Medical Licensure that a CAPA-CS exists and furnish the  
11          collaborating physician's name.
- 12          (c) The CAPA-CS shall be in writing and signed by both the advanced practice  
13          registered nurse and the collaborating physician. **The board shall develop a**  
14          **common form to be utilized by all advanced practice registered nurses.** A  
15          copy of the completed collaborative agreement shall be available at each site  
16          where the advanced practice registered nurse is providing patient care.
- 17          (d) The CAPA-CS shall describe the arrangement for collaboration and  
18          communication between the advanced practice registered nurse and the  
19          collaborating physician regarding the prescribing of controlled substances by  
20          the advanced practice registered nurse.
- 21          (e) The advanced practice registered nurse who is prescribing controlled  
22          substances and the collaborating physician shall be qualified in the same or a  
23          similar specialty.
- 24          (f) The CAPA-CS is not intended to be a substitute for the exercise of  
25          professional judgment by the advanced practice registered nurse or by the  
26          collaborating physician.
- 27          (g) Before engaging in the prescribing of controlled substances, the advanced

1 practice registered nurse shall:

2 1. Have been licensed to practice as an advanced practice registered nurse  
3 for one (1) year with the Kentucky Board of Nursing; or

4 2. Be nationally certified as an advanced practice registered nurse and be  
5 registered, certified, or licensed in good standing as an advanced  
6 practice registered nurse in another state for one (1) year prior to  
7 applying for licensure by endorsement in Kentucky.

8 (h) Prior to prescribing controlled substances, the advanced practice registered  
9 nurse shall obtain a Controlled Substance Registration Certificate through the  
10 U.S. Drug Enforcement Agency.

11 (i) The CAPA-CS shall be reviewed and signed by both the advanced practice  
12 registered nurse and the collaborating physician and may be rescinded by  
13 either party upon written notice to the other party and the Kentucky Board of  
14 Nursing.

15 (j) The CAPA-CS shall state the limits on controlled substances which may be  
16 prescribed by the advanced practice registered nurse, as agreed to by the  
17 advanced practice registered nurse and the collaborating physician. The limits  
18 so imposed may be more stringent than either the schedule limits on  
19 controlled substances established in KRS 314.011(8) or the limits imposed in  
20 regulations promulgated by the Kentucky Board of Nursing thereunder.

21 **(k) Prior to prescribing controlled substances, the advanced practice registered**  
22 **nurse shall register with the electronic system for monitoring controlled**  
23 **substances established by KRS 218A.202 and shall provide a copy of the**  
24 **registration certificate to the board.**

25 (11) Nothing in this chapter shall be construed as requiring an advanced practice  
26 registered nurse designated by the board as a certified registered nurse anesthetist to  
27 enter into a collaborative agreement with a physician, pursuant to this chapter or any

1 other provision of law, in order to deliver anesthesia care.

2 (12) The jurisprudence examination shall be prescribed by the board and be conducted  
3 on the licensing requirements under this chapter and board regulations and  
4 requirements applicable to advanced practice registered nursing in this  
5 Commonwealth. The board shall promulgate administrative regulations in  
6 accordance with KRS Chapter 13A, establishing the provisions to meet this  
7 requirement.

8 ➔Section 4. KRS 314.107 is amended to read as follows:

9 Any person licensed by the board shall maintain a current mailing address **and electronic**  
10 **mail address** with the board and immediately notify the board in writing of a change of  
11 mailing address **or electronic mail address**. As a condition of holding a license from the  
12 board, a licensee is deemed to have consented to service of notices or orders of the board  
13 at the mailing address on file with the board, and any notice or order of the board mailed  
14 or delivered to the mailing address on file with the board constitutes valid service of the  
15 notice or order.

16 ➔Section 5. KRS 314.108 is amended to read as follows:

17 (1) Any person licensed by the board shall, within **ninety (90)**~~[thirty (30)]~~ days of the  
18 entry of a final order, notify the board in writing if any professional or business  
19 license that is issued to the person by any agency of the Commonwealth or any  
20 other jurisdiction is subject to disciplinary action. The person shall submit a  
21 certified copy of the order and a letter of explanation.

22 (2) An applicant for licensure shall notify the board in writing if any professional or  
23 business license that was issued to the person by any agency of the Commonwealth  
24 or any other jurisdiction is surrendered or terminated under threat of disciplinary  
25 action, or is refused, suspended, or revoked, or if renewal of continuance is denied.  
26 The person shall submit a certified copy of the order and a letter of explanation with  
27 his or her application.

- 1           ➔Section 6. The following KRS section is repealed:
- 2    314.196 Collaborative Prescribing Agreement Joint Advisory Committee -- Members --
- 3           Purposes -- Assistance provided -- Complaints -- Jurisdiction --Meetings.