



Kentucky Board of Nursing
Programs of Nursing Update
January/February 2006

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CLINICAL COURSES GRADING PRACTICES SURVEY

Should clinical be graded? That is a continual source of debate. I recently came across a survey that had been conducted by Rosalinda Alfaro-LeFevre. Thought you might like to have a copy.

Administrative Regulations Updates

Enclosed are copies of updated Administrative Regulations for your reference binder:

201 KAR 20:056	Advanced registered nurse practitioner registration, program requirements, recognition of a national certifying organization
201 KAR 20:057	Scope and standards of practice of advanced registered nurse practitioners
201 KAR 20:070	Licensure by examination
201 KAR 20:095	Retired nurse licensure status
201 KAR 20:110	Licensure by endorsement
201 KAR 20:161	Investigation and disposition of complaints
201 KAR 20:215	Continuing competency requirements
201 KAR 20:220	Nursing continuing education provider approval
201 KAR 20:225	Reinstatement of license
201 KAR 20:230	Renewal of license
201 KAR 20:370	Application for licensure and registration
201 KAR 20:390	Nursing incentive Scholarship Fund
201 KAR 20:411	Sexual Assault Nurse Examiner Program standards and credential requirements
201 KAR 20:480	Licensure of graduates of foreign nursing schools
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Research and Scholarship Day

University of Kentucky Hospital, Kentucky Children's Hospital, Delta Psi Chapter, Sigma Theta Tau International, *In cooperation with:* University of Kentucky College of Nursing announces:

"Nursing Research in Practice: Opportunities and Challenges"
Keynote Speaker: Peter Buerhaus, PhD, RN, FAAN
Friday, April 14, 2006
Four Points Sheraton, Lexington, KY

Information for submission of abstracts is attached.

NCLEX REPORTS ARE ENCLOSED ONLY IF YOU HAVE HAD STUDENTS GRADUATE SINCE JULY 1, 2005 AND TAKE THE NCLEX.

CLINICAL COURSES GRADING PRACTICES SURVEY * (See page 5 for summary and conclusions)

PROG. TYPE	LTR/# GRADE	PASS/ FAIL	COM- BINE	COMMENTS
ADN LPN		X		
BSN		X		Just changed the curriculum. Old - graded clinical - last class to graduate will be 2005. Clinical is a companion course. So a student can pass clinical and fail theory. New - pass/fail clinical that is part of the theory course.
ADN BSN				Anxious to see what your results will show
ADN		X		The clinical grade is satisfactory or not; if satisfactory, then the grade given is the same as the theory grade. If the clinical performance is unsatisfactory, then the student fails both theory and clinical.
BSN MN	X			
ADN BSN		X		For both programs, clinical is considered part of a theory course. There is no separate letter grade for it. It is satisfactory / unsatisfactory.
ADN		X		We are still with pass/fail. We have been working on a form that is amenable to giving a number grade, but still working on it.
RN BSN		X		We use a pass/fail method for clinical. However, if students fail either the didactic or clinical portion of the course they fail the entire course and take both over. They may take only one clinical course over once...after this they are terminated from the program.
ADN BSN		X		
ADN		X		The grade for the course comes from the classroom (mostly quizzes and exams).
ADN		X		
ADN		X		Students receive one grade for the lecture and clinical. The clinical is thought of as pass/fail but if they fail clinical they also fail the lecture portion of the course.
Dipl		X		
Dipl		X		
BSN		X		This is a hot issue we are currently discussing at faculty meetings.
ADN RNBSN				
BSN		X		
ADN BSN				We assign satisfactory/unsatisfactory grades for clinical for both our ASN and BSN nursing curriculas. If a student earns unsatisfactory, then he/she repeats the clinical course
ADN		X		We combine theory & clinical grade There is no numeric grade for clinical. Clinical performance is judged as pass/fail, and the student must pass clinical in order to pass the course
BSN		X		
ADN RNBSN		X		

CLINICAL COURSES GRADING PRACTICES SURVEY * (See page 5 for summary and conclusions)

PROG. TYPE	LTR/# GRADE	PASS/ FAIL	COM- BINE	COMMENTS
BSN		X		
ADN		X		We have satisfactory - unsatisfactory on each clinical outcome (one unsatisfactory means the student fails the course)
BSN MSN				We use the Bondy rating system.* Students and faculty rate students for each point as Independent or supervised (satisfactory) or assisted, marginal , or dependent (unsatisfactory) . All clinical courses (both BSN and MSN programs) use a clinical evaluation system that ends up with a Pass/Fail grade for clinical. Clinical is not a separate course...it is an integrated component of the nursing course...as such, a student must pass clinical in order to pass the course; the course grade is based on the theory component of the course. The grading outcomes are: CLINICAL THEORY COURSE GRADE Pass grade => 75 Pass (grades = A to C-) Pass grade < 75 Fail Fail any grade Fail
BSN	X			Our theory portion is 70% of the course grade and our clinicals are 30% of the grade. Students must pass each portion with a 75 in order to pass the course. If the students fail one portion, that is a failure and the grades are not average together, if they pass both portions, then those grades are calculated together to get the final grade.
ADN		X		
BSN		X		I am looking forward to your results. P.S. It saved me from doing a survey.
ADN		X		
ADN		X		Students receive the same grade in clinical as the one they are given in the Theory part of the course.
LPN RN BSN Ladder				We do not give a letter grade for clinical it is a pass fail and if a student fails clinical but receives a C or passing in the theory they will receive a C- which is considered a fail as they need to repeat the course then Same with a pass in clinical but a C- or lower in theory they will fail or need to repeat the course and can only do that twice and then out of program. We have a ladder LPN to RN and then BSN completion also
		X		We went to graded clinical a few years ago. It was a matter of great debate for a number of years. The policy has settled in well. I don't think it's a matter for debate any more- not here anyway.
		X		
	X			
RN - BSN MN			X	

* Bondi, K. (1983). Criterion-referenced definitions for rating scales in clinical evaluation. Journal of Nursing Education, 22(9), 376-382

CLINICAL COURSES GRADING PRACTICES SURVEY * (See page 5 for summary and conclusions)

PROG. TYPE	LTR / # GRADE	PASS/ FAIL	COM-BINE	COMMENTS
BSN	X Early Courses	X Later Courses		Our baccalaureate program is an upper division major. The major takes 8 quarters or 2 years. Some practicums are pass/fail (early in the program) and some are graded (usually later in the program). The faculty continue to explore the advantages and disadvantages of these methods.
ADN BSN		X		We use a satisfactory/unsatisfactory system
BSN		X		On the course work, we use pass/fail for clinical evaluations, but they have to meet the criteria for passing which is quite detailed. We do checks at mid-term and "counsel" them as necessary. Clinical is not a separate grade from the course, but they HAVE to be passing clinical to complete the course even if they have an "A" in all written work, class work, and tests.
ADN			X	
BSB		X		Our school, which is a BSN program (augmented by FNP Master Level programs and an RNB program) gives pass/fail grades for all clinical courses. Faculty who teach clinical courses used to be able to make their own decisions about whether or not to give a pass/fail or a letter grade, so some courses did one thing and other courses did another. Two or three years ago the faculty as a whole voted to make all clinical courses pass/fail.
BSN	X	X		Undergraduate clinical course vary: some have a graded clinical and some have an Pass/Fail. For example, in the last semester, students have two large clinical course in which they have 225 clinical hours each. These courses are graded with a numeric grade. However, in some courses where clinical is fewer hours, the grade for clinical is a P/F
ADN		X		We, of course, have a complex process for evaluating clinical. Our clinical experiences are integrated within our major nursing courses. Typically the student take a 7-9 credit hour nursing course. From 3 - 5 credit hours are dedicated to the clinical experience. Clinical experiences are graded on a S/U scale. However, to receive credit for the clinical 'pass', the student must also score 76% or higher on their didactic course average. On the converse, if the student receives a 'U' for the clinical experience, then the student will receive a failing grade for the entire course even if their test average is above 76%. Given our rigidity in grading S & U, I would be reluctant to have students receive letter grades. From a philosophical framework, I think we should put a value on clinical performance. From a logistics perspective, I think it could become one more form of student torture depending on how the grading was executed in our program. We tend to use detailed algorithms for grade determination that in theory are objective, but in reality do not require judgment in the evaluation process.
BSN	X			
BSN	X			
ADN	X			
BSN	X			We grade clinical performance and grade clinical assignments....these grades are averaged...we have discussed grading clinical pass/fail, too.
RN- BSN		X		
ADN	X			
ADN			X	We combine theory & clinical grade
ADN		X		We give a pass/fail grade for clinical performance and a letter grade for the theory portion. Students must pass both parts during the same semester to receive credit for the course.

CLINICAL COURSES GRADING PRACTICES SURVEY * (See page 5 for summary and conclusions)

PROG. TYPE	LTR / # GRADE	PASS/ FAIL	COM- BINE	COMMENTS
ADN		X		
BSN		x		
ADN	2004	2003		At this time we have a combined clinical/theory grade. The clinical is graded as pass/fail. If they fail clinical, the highest theory grade they can receive is a "D". Starting next year we are changing to separate clinical courses at which time we will need to grade clinical. We are working on the system for doing so
AAS.			X	Clinical is pass /fail but the care plans that are completed as a part of clinical go into the theory grade. Students must have a 75% test average before the care plan points can go into the theory grade.
Dipl				We give a pass/fail for the clinical portion of a course. The student must pass both the classroom theory (70%) and receive a passing clinical grade in order to pass the course. Thank you for including us in your data.
ADN		X		The course grade comes from the theory grade. If they fail clinical, they get a F for the course.
BSN		X		
ADN		X		I am eager to hear a summary of your findings.
LPN		X		It is based upon the achievement of a 1-4 scale, if a student gets a 1 on any objective by the end of the course, they do not pass. they are rated at mid course and at the end of the course with special attention and contracting going on during the course as part of the due process.
ADN		X		Clinical practice is graded "Satisfactory" or "Unsatisfactory". If one's clinical practice grade is "Unsatisfactory", an "F" will be issued for the course regardless of current theory grade.
		X		The students must satisfactorily pass clinical but the grade is the same grade they earn in lecture.
BSN		X		
ADN		X		We give a pass or fail for our clinicals. One other question I would be interested in asking is whether or not schools place the clinical grade and the didactic grade on the transcript or do they only report the didactic? Also, does everyone fail the student if they do not pass either didactic or clinical? Can they repeat either segment separately?
ADN				Our clinical is part of the total course. The clinical evaluation form produces a numerical score, and there is a passing score for each course. So it is ultimately pass/fail. If a student fails the clinical portion of the course, they fail the course. (The numerical score is not computed into the total course grade). Thanks for doing this! I look forward to your results!
ADN		X		We give pass/fail, but of course the student has to pass the theory portion of the course as well and vice versa before being permitted to proceed in the program.
ADN				We give pass fail, although the students constantly complain
ADN		X		We combine theory and clinical grade with clinical being pass fail.
BSN		X		We give a letter grade for the theory portion of the course and Satisfactory/Unsatisfactory for the clinical portion of the course. Students must pass both portions of the clinical courses to be successful.

PROG. TYPE	LTR / # GRADE	PASS/ FAIL	COM-BINE	COMMENTS
Dipl		X		There has been much discussion over the years of a letter grade vs S/U grade. Our faculty is of the belief that it is easier to make the judgment regarding S/U because they are either meeting the objective or not. In assigning a letter grade, more subjectivity comes into play, I am interested in reading the results from this survey.
		X		
Dipl		X		Clinical nursing courses are a combination of a theory grade (>76%) and a satisfactory in clinical. Failure to meet either or both criteria results in a failure of the nursing course. If repeated, the course must be completed in its entirety, both components must be repeated.
ADN	X			We use a point system. Students achieve theory points for tests/assignments and in clinical, student achieve points for clinical assignments, clinical performance evaluation, clinical skills, etc. Students must achieve 76% of the clinical points in theory and 76 % of the theory points. If this is achieved, the two scores are added together for the final grade. If a student does not achieve 76% in one area, their grade for the course reflects the part of the course that they did not pass. Another reason that we have kept one grade for both clinical and theory is if we have students that do not pass they take both theory and clinical together again. We feel that it is in their best interest for success on the state board exam.
ADN LPN	X			Currently, our clinical is part of our theory. Students receive the theory grade for the course. Clinical is a pass/fail component of the course in fall we will be moving to separate clinical courses and grading
ADN	X			
LPN			X	We combine our theory and clinical grade The clinical evaluations are averaged for one grade; the clinical paperwork (care plans, case studies, objectives turned in, etc.) is averaged for one grade; these two are then averaged to arrive at one clinical grade.
ADN	X			

SUMMARY AND CONCLUSIONS: This study arose out of an informal discussion among 3 nurse educators at the NLN Summit in San Antonio, Texas, in September, 2003. As we discussed the pros and cons of grading systems, I began to wonder about the grading practices for clinical courses in most schools. I did a random email questionnaire, using email addresses from the NLN participant list and others I had on file. The results are as follows:

Total # of Schools Responding: 79	# Giving Pass/Fail: 59 (75%)	# Giving Clinical Grades: 15 (19%)	# Combing Theory & Clinical Grade: 5 (6%)
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Conclusions: Based on this limited study, it seems that the trend is to give Pass/Fail for clinical courses. As much as I would like a comprehensive study of ALL schools—which would give definitive results—time constraints and logistics don't allow this at this point in time. This is a *preliminary* study that suggests a trend. It doesn't *verify* the trend. The many comments above (cut and pasted from email responses) suggest that the decision to give Pass/Fail versus a letter grade for clinical courses is a difficult one. As someone who writes and consults on critical thinking, I know the importance of holistic evaluation. Pass/Fail clinical grading doesn't reward "clinical stars" in the same way that it does "classroom stars". Based on these results, I will write an article in the first edition of my newsletter, *The Critical Thinking Indicator*, addressing the problems with promoting and evaluating critical thinking in clinical courses that give Pass/Fail grades. To all of you who participated, here's a great big THANK YOU! Got comments? Email: AlfaroTeachSmart@ol.com



Research and Scholarship Day
University of Kentucky Hospital and Kentucky Children's Hospital
Delta Psi Chapter, Sigma Theta Tau International
In cooperation with: University of Kentucky College of Nursing

"Nursing Research in Practice: Opportunities and Challenges"
Keynote Speaker: Peter Buerhaus, PhD, RN, FAAN
Friday, April 14, 2006
Four Points Sheraton, Lexington, KY

We invite you to submit abstracts of completed or ongoing research, clinical projects, and pilot projects. Integrative research reviews and student scholarly papers are also eligible. Presentations will include both oral and poster sessions.

Each submission should include:

- One-page abstract
- Separate title page with:
 - Title
 - Author(s) names
 - Current position
 - Mailing address
 - E-mail address
 - Phone number
 - Fax number
 - Preferred mode of delivery (paper only, poster only, or either)

Research Abstracts should include:

- Purpose of Study
- Sample Description
- Methods
- Results
- Conclusion/Clinical Implications

Deadline for Receipt of Abstracts: January 12, 2006

Registration awarded to one speaker of each paper presentation. (No Travel Funding Available)

Please send all abstracts via U.S. Mail or e-mail to:

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201 KAR 20:056. Advanced registered nurse practitioner registration, program requirements, recognition of a national certifying organization.

RELATES TO: KRS 314.011(8), 314.042, 314.091, 314.161

STATUTORY AUTHORITY: KRS 314.042(7), 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations necessary to enable it to carry into effect the provisions of KRS Chapter 314. KRS 314.042 requires the registration of an advanced registered nurse practitioner. This administrative regulation establishes the requirements for registration, renewal, and reinstatement; programs; and recognition of a national certifying organization.

Section 1. An applicant for registration as an advanced registered nurse practitioner in Kentucky shall:

(1) Complete an "Application for Registration as an Advanced Registered Nurse Practitioner" as required by 201 KAR 20:370, Section 1(1); and

(2) Comply with the requirements established in KRS 314.042 and Sections 2 and 4 through 10 of this administrative regulation.

Section 2. Postbasic Program of Study and Clinical Experience. (1) An organized postbasic program of study and clinical experience shall conform to the following criteria in order to be acceptable to the board. The program shall:

(a) Be an established, ongoing, and organized program offered on a routine basis to an enrollee;

(b)1. Except as provided in subparagraph 2 of this paragraph, be accredited or approved for the education of nurses by a recognized accreditation or approval body; or

2. Be sponsored by a sponsoring organization, which shall hold the accreditation or approval for the education of nurses by a recognized accreditation or approval body;

(c) Have a program design which prepares an enrollee to function in a role consistent with the advanced registered nursing practice designation;

(d) Have a program design which includes purpose, philosophy, objectives, curriculum content, and plan to evaluate achievement of objectives and measurement of learning outcomes of students;

(e) Have a designated faculty responsible for planning, development, implementation, and evaluation of curriculum and students;

(f) Include didactic components that prepare the student to perform the additional acts delineated by the board pursuant to KRS 314.011(8) and include at least pharmacology, advanced physical assessment, advanced pathophysiology, and medical management of disease and differential diagnosis;

(g) Include a supervised clinical experience that includes application of all the didactic components;

(h) Upon successful completion, award a diploma or certificate; and

(i)1. Except as provided in subparagraph 2 of this paragraph, extend over an enrollment period of not less than nine (9) months; or

2. If it is an organized postbasic program of study and clinical experience with an enrollment period of less than nine (9) months, be evaluated by the board on an individual basis to determine if the program is acceptable to the board by sufficiently preparing a student for advanced registered nursing practice.

(2) If the applicant for registration as an advanced registered nurse practitioner completes a postbasic program of study after January 1, 2005, the applicant shall hold a master's degree or

postmaster's certificate awarding academic credit by a college or university related to the advanced registered nurse practitioner designation.

Section 3. National Certifying Organizations. (1) A nationally established organization or agency which certifies registered nurses for advanced nursing practice shall be recognized by the board if it meets the following criteria:

(a) The certifying body is an established national nursing organization or a subdivision of this type of organization;

(b) Eligibility requirements for certification are delineated;

(c) Certification is offered in specialty areas of clinical practice;

(d) Scope and standards of practice statements are promulgated;

(e) Mechanism for determining continuing competency is established; and

(f) The certifying body is accredited by the American Board of Nursing Specialties or the National Commission for Certifying Agencies.

(2) The board recognizes the following national certifying organizations:

(a) American Nurses Credentialing Center;

(b) American College of Nurse Midwives;

(c) ACNM Certification Council;

(d) Council on Certification/Recertification of Nurse Anesthetists;

(e) Pediatric Nursing Certification Board;

(f) National Certification Corporation;

(g) American Academy of Nurse Practitioners;

(h) American Association of Critical-Care Nurses Certification Association; and

(i) Oncology Nursing Certification Corporation.

Section 4. Practice Pending Registration. (1) An applicant who meets all the requirements for practice as an advanced registered nurse practitioner except for initial certification by a national certifying organization shall be authorized to practice as an advanced registered nurse practitioner subject to the following conditions:

(a) The applicant shall apply for certification from a recognized national certifying organization for the first time.

(b) The applicant shall obtain an advanced registered nurse practitioner in the same specialty, or a licensed physician, to supervise the applicant. For the purposes of this paragraph:

1. Supervision shall include, at a minimum, periodic observation and evaluation of the applicant's practice to validate that the practice has been performed according to established standards; and

2. The supervisor shall be immediately available either on site or by telephone.

(c) The applicant shall verify to the board that he has applied for certification and has obtained a supervisor.

(d) Practice pursuant to this subsection shall extend until the applicant has learned the results of the request for certification.

(e) An applicant who has previously applied for and been denied certification by a recognized national certifying organization shall be ineligible to practice as an advanced registered nurse practitioner until he has been certified.

(2) A registered nurse who meets all the requirements for practice as an advanced registered nurse practitioner and who holds a registered nurse temporary work permit issued pursuant to 201 KAR 20:110 pending licensure by endorsement shall be authorized to practice as an advanced registered nurse practitioner for a period of time not to exceed the expiration date of the temporary work permit.

(3) Authorization to practice pursuant to subsections (1) or (2) of this section shall be in the form of a letter from the board acknowledging that the applicant has met all the requirements of this section. An applicant shall not practice until the authorization letter has been issued.

(4) An individual authorized to practice pursuant to subsection (1) of this section may use the title "ARNP Applicant" or "ARNP App."

Section 5. Registration Renewal. (1) The advanced registered nurse practitioner registration shall expire or lapse when the registered nurse license expires or lapses.

(2) To be eligible for renewal of registration as an advanced registered nurse practitioner, the applicant shall:

(a) Renew the registered nurse license on an active status;

(b) Submit a completed "ARNP Registration Renewal Application" form as required by 201 KAR 20:370, Section 1(1);

(c) Submit the current renewal application fee, as established in 201 KAR 20:240, Section 1(2)(m); and

(d) Maintain current certification by a recognized national certifying organization.

(3) An advanced registered nurse practitioner who fails to renew the registered nurse license or is issued a license on an inactive or retired status shall not practice as or use the title of advanced registered nurse practitioner until:

(a) A current active license has been issued by the board; and

(b) The advanced registered nurse practitioner registration has been reinstated.

Section 6. Registration Reinstatement. (1) If a nurse fails to renew the advanced registered nurse practitioner registration as prescribed by applicable law and administrative regulation, the registration shall lapse on the last day of the licensure period.

(2) To be eligible for reinstatement of advanced registered nurse practitioner registration, the applicant shall:

(a) Submit a completed "Application for Registration as an Advanced Registered Nurse Practitioner" form as required by 201 KAR 20:370, Section 1(1);

(b) Submit the current reinstatement application fee, as established in 201 KAR 20:240, Section 1(2)(n); and

(c) Maintain current certification by a recognized national certifying organization.

Section 7. Certification or Recertification. (1)(a) An advanced registered nurse practitioner shall attest on the application for registration renewal that the advanced registered nurse practitioner has:

1. Current certification or recertification by one (1) of the national organizations recognized in Section 3 of this administrative regulation, or

2. Made application for current certification or recertification from one (1) of the national organizations recognized in Section 3 of this administrative regulation.

(b) The board shall conduct a random audit to verify that an advanced registered nurse practitioner has met the requirements of subsection (1)(a) of this section.

(2) A nurse who fails to attain current, active certification or recertification from one (1) of the national organizations recognized in Section 3 of this administrative regulation shall not practice or use the title of advanced registered nurse practitioner until the requirements of Sections 1 through 8 of this administrative regulation have been met.

(3) An advanced registered nurse practitioner who is decertified by the appropriate national organization shall:

(a) Notify the board of that fact; and

(b) Not practice as or use the title of advanced registered nurse practitioner during the period of decertification.

Section 8. (1) An application shall be valid for a period of one (1) year from the date of submission to the board.

(2) After one (1) year from the date of application, the applicant shall be required to reapply.

Section 9. The requirements of Sections 1 through 11 of this administrative regulation shall not prohibit the supervised practice of a nurse enrolled in:

(1) A postbasic educational program for preparation for advanced registered nursing practice; or

(2) An advanced registered nurse practitioner refresher course.

Section 10. A registered nurse who holds himself out as a clinical specialist or is known as a clinical specialist shall be required to register as an advanced registered nurse practitioner if his practice includes the performance of advanced registered nursing procedures.

Section 11. A nurse practicing as an advanced registered nurse practitioner who is not registered as an advanced registered nurse practitioner by the board, an advanced registered nurse practitioner whose practice is inconsistent with the specialty to which he has been designated, or an advanced registered nurse practitioner who does not recertify and continues to practice as an advanced registered nurse practitioner shall be subject to the disciplinary procedures set in KRS 314.091. (6 Ky.R. 651; Am. 7 Ky.R. 309; eff. 11-6-80; 9 Ky.R. 1027; eff. 4-6-86; 11 Ky.R. 1445; eff. 5-14-85; 12 Ky.R. 1523; eff. 4-17-86; 18 Ky.R. 331; 997; eff. 9-24-91; 19 Ky.R. 2664; 20 Ky.R. 302; eff. 8-6-93; 3216; eff. 8-4-94; 24 Ky.R. 2421; 25 Ky.R. 60; eff. 7-9-98; 27 Ky.R. 817; 1246; eff. 11-17-2000; 29 Ky.R. 2118; 2448; eff. 4-11-03; 30 Ky. R. 2544; 31 Ky. R. 337; eff. 8-24-04; 32 Ky.R. 283; **eff. 10-19-05.**)

201 KAR 20:057. Scope and standards of practice of advanced registered nurse practitioners.

RELATES TO: KRS 314.011(7), 314.042, 314.193(2)

STATUTORY AUTHORITY: KRS 314.131(1), 314.193(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations necessary to enable it to carry into effect the provisions of KRS Chapter 314. KRS 314.193(2) authorizes the board to promulgate administrative regulations establishing standards for the performance of advanced registered nursing practice to safeguard the public health and welfare. This administrative regulation establishes the scope and standards of practice for an advanced registered nurse practitioner.

Section 1. Definitions. (1) "Collaboration" means the relationship between the advanced registered nurse practitioner and a physician in the provision of prescription medication and includes both autonomous and cooperative decision-making, with the advanced registered nurse practitioner and the physician contributing their respective expertise.

(2) "Collaborative practice agreement" means a written document which defines the scope of prescriptive authority for the advanced registered nurse practitioner and is jointly approved by the advanced registered nurse practitioner and at least one (1) physician.

Section 2. The practice of the advanced registered nurse practitioner shall be in accordance with the standards and functions defined in the following scope and standards of practice statements for each specialty area:

- (1) Scope and Standards of Psychiatric-Mental Health Nursing Practice;
- (2) Scope and Standards of Advanced Practice Registered Nursing;
- (3) Scope and Standards for Nurse Anesthesia Practice;
- (4) Standards for Office-based Anesthesia Practice;
- (5) Standards for the Practice of Midwifery;
- (6) The Women's Health Nurse Practitioner: Guidelines for Practice and Education;
- (7) Scope and Standards of Practice: Pediatric Nurse Practitioner;
- (8) Standards of Practice;
- (9) Scope of Practice for Nurse Practitioners;
- (10) Standards of Clinical Practice and Scope of Practice for the Acute Care Nurse Practitioner;
- (11) Neonatal Nursing: Scope and Standards of Practice;
- (12) Scope of Practice and Standards of Professional Performance for the Acute and Critical Care Clinical Nurse Specialist; and
- (13) Statement on the Scope and Standards of Advanced Practice Nursing in Oncology.

Section 3. In the performance of advanced registered nursing practice, the advanced registered nurse practitioner shall practice in accordance with the collaborative practice agreement, if applicable, and shall seek consultation or referral in those situations outside the advanced registered nurse practitioner's scope of practice.

Section 4. Advanced registered nursing practice shall include prescribing treatments, drugs, and devices and ordering diagnostic tests which are consistent with the scope and standard of practice of the advanced registered nurse practitioner.

Section 5. Advanced registered nursing practice shall not preclude the practice by the advanced registered nurse practitioner of registered nursing practice as defined in KRS 314.011(5).

Section 6. The collaborative practice agreement shall include the name, address, phone number, and license or registration number of both the advanced registered nurse practitioner and each physician who is a party to the agreement. It shall also include the specialty area of practice of the advanced registered nurse practitioner. An advanced registered nurse practitioner shall, upon request, furnish to the board or its staff, a copy of the collaborative practice agreement.

Section 7. Prescribing without a written collaborative practice agreement shall constitute a violation of KRS 314.091(1).

Section 8. The board may make an unannounced monitoring visit to an advanced registered nurse practitioner to determine if the advanced registered nurse practitioner's practice is consistent with the requirements established by 201 KAR Chapter 20.

Section 9. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Scope and Standards of Psychiatric-Mental Health Nursing Practice", 2000 Edition, American Nurses' Association;

(b) "Scope and Standards of Advanced Practice Registered Nursing", 1996 Edition, American Nurses' Association;

(c) "Standards for Office-based Anesthesia Practice", 2002 Edition, American Association of Nurse Anesthetists;

(d) "Scope and Standards for Nurse Anesthesia Practice", 2002 Edition, American Association of Nurse Anesthetists;

(e) "Standards for the Practice of Midwifery", 2003 Edition, American College of Nurse-midwives;

(f) "The Women's Health Nurse Practitioner: Guidelines for Practice and Education", 2002 Edition, Association of Women's Health, Obstetric and Neonatal Nurses and National Association of Nurse Practitioners in Women's Health;

(g) "Scope and Standards of Practice: Pediatric Nurse Practitioner ", 2004 Edition, National Association of Pediatric Nurse Practitioners;

(h) "Standards of Practice", 2002 Edition, American Academy of Nurse Practitioners;

(i) "Scope of Practice for Nurse Practitioners", 2002 Edition, American Academy of Nurse Practitioners;

(j) "Standards of Clinical Practice and Scope of Practice for the Acute Care Nurse Practitioner", 1995 Edition. American Nurses' Association/American Association of Critical Care Nurses;

(k) "Neonatal Nursing: Scope and Standards of Practice", 2004 Edition, American Nurses Association/National Association of Neonatal Nurses;

(l) "Scope of Practice and Standards of Professional Performance for the Acute and Critical Care Clinical Nurse Specialist", 2002 Edition, American Association of Critical-Care Nurses; and

(m) "Statement on the Scope and Standards of Advanced Practice Nursing in Oncology ", 2003 Edition, Oncology Nursing Society.

(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. (13 Ky.R. 2168; eff. 7-2-87; Am. 14 Ky.R. 231; eff. 9-10-87; 19 Ky.R. 2666; 20 Ky.R. 303; eff. 8-6-93; 3218; eff. 8-4-94; 22 Ky.R. 305; eff. 9-20-95; 23 Ky.R. 3606; 4176; 24 Ky.R. 62; eff. 6-18-97; 27 Ky.R. 819; eff. 11-17-2000; 29 Ky.R. 2120; 2449; eff. 4-11-03; 2943; eff. 8-13-03; 32 Ky.R. 285; **eff. 10-19-05.**)

201 KAR 20:070. Licensure by examination.

RELATES TO: KRS 194A.540, 214.615, 314.041(1), (2), 314.051(3)

STATUTORY AUTHORITY: KRS 314.041(2), 314.051(3), 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Kentucky Board of Nursing to promulgate administrative regulations to implement the provisions of KRS 314.011 to 314.991. KRS 314.041(2) requires an applicant for licensure as a registered nurse to pass an examination prescribed by the board. KRS 314.051(3) requires an applicant for licensure as a licensed practical nurse to pass an examination prescribed by the board. This administrative regulation establishes the requirements for the licensure of nurses by examination.

Section 1. Eligibility for Licensure by Examination for a Graduate of a Kentucky Program or Other State or Territorial Nursing Program. (1) To be eligible for licensure by examination, an applicant shall:

- (a) Submit:
 1. A properly executed application for licensure, as required by 201 KAR 20:370, Section 1(1);
 2. The licensure application fee as established in 201 KAR 20:240;
 3. One (1) current passport type photograph;
 4. A report from the Kentucky Administrative Office of the Courts, Courtnet Disposition System that is within six (6) months of the date of the application;
 5. A certified copy of the court record of any misdemeanor or felony conviction as required by 201 KAR 20:370, Section 1(3); and
 6. A letter of explanation that addresses each conviction;
 - (b) Notify the board as soon as a new address is established after submitting the application;
 - (c) Submit a copy of a marriage certificate, divorce decree, Social Security card, or court order to change the applicant's name, if the applicant's name is changed after the original application is filed;
 - (d) When taking the examination, abide by and cooperate with security procedures adopted by the board;
 - (e) Apply to take and pass the National Council Licensure Examination; and
 - (f) Meet the requirement for completion of an educational course on the human immunodeficiency virus and acquired immunodeficiency syndrome, as required by KRS 214.615;
- (2) An application for licensure shall be valid for a period of one (1) year from the date the application is filed with the board office or until the applicant fails the examination, whichever comes first.
- (3) The name of the applicant shall appear on the "Certified List of Program of Nursing Graduates" as established in 201 KAR 20:260 or the applicant shall request that the program submit to the board an official transcript verifying completion of program requirements.
- (4) The applicant shall complete the three (3) hour continuing education course on domestic violence within three (3) years of licensure as required by KRS 194A.540.

Section 2. Retaking the Examination. (1) An examination candidate who fails to achieve a passing result may retake the examination after meeting the requirements of Section 1 of this administrative regulation.

(2) The applicant shall not be eligible to take the examination more often than once every forty-five (45) days.

Section 3. Release of Examination Results. The board shall release examination results to:

- (1) The candidate;
- (2) Other state boards of nursing;
- (3) The National Council of State Boards of Nursing, Inc.;
- (4) The candidate's program of nursing; and
- (5) An individual or agency who submits an applicant's or licensee's written authorization for their release.

Section 4. Clinical Internship. This section shall apply to applicants beginning January 1, 2006. (1) An applicant shall request a provisional license by completing the application for licensure required by Section 1 of this administrative regulation.

(2)(a) The board shall issue the provisional license to the applicant after Section 1(1)(a) and (3) of this administrative regulation are met.

(b). In the case of a graduate of a foreign nursing school, the board shall issue the provisional license after the requirements of 201 KAR 20:480, Section 1 (1) and (4) are met.

(3) To be eligible for a clinical internship, the applicant shall hold a current provisional license.

(4) A provisional license shall expire six (6) months from the date of issuance by the board and shall not be reissued unless the provisions of subsection (5) of this section apply.

(5) A person with a temporary physical or mental inability to complete the clinical internship shall:

(a) Complete the "Petition to Hold Provisional License in Abeyance"; and

(b) Submit evidence from a licensed health care practitioner that documents a diagnosis of a temporary physical or mental inability to complete the internship within the original six (6) months.

(6)(a) If the Petition to Hold Provisional License in Abeyance is granted, the current provisional license shall be void and shall be immediately returned to the board.

(b) The person whose petition has been granted shall not engage in nursing practice.

(7)(a)1. A person whose petition has been granted shall submit a written request to the board to reissue the provisional license when the temporary physical or mental inability has been resolved.

2. The request shall include the name, address, telephone number, date of birth, and Social Security number of the person.

3. The request shall also include written verification from a licensed health care practitioner that the temporary physical or mental inability has been resolved.

4. The person shall also submit a report from the Kentucky Administrative Office of the Courts, Courtnet Disposition System, if the previous one (1) is more than six (6) months old.

(b) Upon submission of the required documentation and approval by the board, the board shall reissue the provisional license for six (6) months.

(c) If the required documentation is submitted more than one (1) year from the date of the initial application for licensure, the person shall meet the requirements of Section 1 of this administrative regulation.

(8) Documentation of completion of the clinical internship shall be submitted to the board in writing or electronically. It shall include the following:

(a) Name, address, telephone number, social security number and date of birth of the applicant;

(b) Provisional license number;

(c) Name, address and telephone number of the facility where the clinical internship was completed; and

(d) Name of the supervising nurse.

(9) To qualify as "direct supervision" under KRS 314.041(5) and 314.051(6), the nurse responsible for the applicant shall at all times be physically present in the facility and immediately available to the applicant while the applicant is engaged in the clinical internship.

(10) The nurse responsible for the applicant shall be currently licensed to practice as a nurse in Kentucky.

(11)(a) The applicant shall successfully complete the clinical internship prior to taking the examination. The board shall not authorize the applicant to take the examination until verification of completion of the clinical internship is filed with the board.

(b) A graduate of a foreign nursing school who complies with 201 KAR 20:480, Section 1(4)(b) shall be authorized to complete the clinical internship after passing the NCLEX.

(12) If the applicant fails the examination, the provisional license shall be void and shall be immediately returned to the board.

Section 5. Practical Nurse Role Delineation Course. (1) A graduate of a board-approved registered nurse program who is unsuccessful on the National Council Licensure Examination for registered nurses may apply for licensure by examination as a licensed practical nurse pursuant to KRS 314.041(13).

(2) (a) Prior to making application for licensure as a practical nurse, the applicant seeking practical nurse licensure pursuant to KRS 314.041(13) shall complete a board-approved practical nursing role delineation course.

(b) The applicant shall return the registered nurse provisional license, if applicable.

(3) The course shall be taken only at an approved LPN program of nursing. The program of nursing shall seek approval of the course from the board.

(4) The course shall consist of at least eight (8) hours of didactic instruction and sixteen (16) hours of clinical instruction.

(5) At the conclusion of the course, the individual shall be able to make decisions and take actions that are consistent with the scope and standards of practical nursing practice, established policies, procedures, and licensing laws.

(6) The LPN program of nursing shall submit to the board a certified list of individuals who completed the course.

(7) After completion of the practical nurse role delineation course, the applicant shall comply with Section 1 of this administrative regulation.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Certified List of Program of Nursing Graduates", (2/96), Kentucky Board of Nursing; and

(b) "Petition to Hold Provisional License in Abeyance," (8/04), 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. (BNE-8; 1 Ky.R. 1251; eff. 7-2-75; Am. 6 Ky.R. 419; eff. 4-1-80; 8 Ky.R. 780; eff. 3-1-82; 9 Ky.R. 251; eff. 9-8-82; 11 Ky.R. 1621; eff. 6-4-85; 14 Ky.R. 571; eff. 11-6-87; 19 Ky.R. 1637; eff. 2-17-93; 20 Ky.R. 2044; 2622; eff. 3-14-94; 3219; eff. 8-4-94; 22 Ky.R. 1872; 2287; eff. 6-6-96; 24 Ky.R. 1752; 2108; eff. 4-13-98; 25 Ky.R. 592; 1030; eff. 11-18-98; 26 Ky.R. 1437; eff. 2-16-2000; 27 Ky.R. 820; 1247; eff. 11-17-2000; 28 Ky.R. 676; 1114; eff. 10-17-01; 1677; eff. 3-14-02; 29 Ky.R. 498; 918; eff. 10-16-02; 2121; eff. 4-11-03; 30 Ky.R. 378; eff. 10-15-03; 30 Ky.R. 378; 1584; 1926; eff. 2-16-04; 31 Ky.R. 792; 1290; 1399; eff. 2-22-05; 32 Ky.R. 287; **eff. 10-19-05.**)

201 KAR 20:095. Retired nurse licensure status.

RELATES TO: KRS 314.041(10), 314.051(10)

STATUTORY AUTHORITY: KRS 314.041(10), 314.051(10), 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations to implement the provisions of KRS 314.011 to 314.991. KRS 314.041(10) and 314.051(10) authorize the board to promulgate administrative regulations concerning the granting of retired status for persons holding licensure as a "registered nurse" or a "licensed practical nurse". This administrative regulation establishes requirements for obtaining retired status and establishes requirements for changing licensure status to active.

Section 1. Retired Status. (1) Beginning November 1, 2005, a licensed practical nurse who is retired and holds or has held a Kentucky nurse license may apply for retired status by:

(a) Completing the "Application for Retired Status" as required by 201 KAR 20:370;

(b) Paying the fee set out in 201 KAR 20:240; and

(c) Submitting a copy of an official name change document, such as a court order, marriage certificate, Social Security card, or divorce decree, if applicable. (2) Beginning November 1, 2006, a registered nurse who is retired and holds or has held a Kentucky nurse license may apply for retired status by:

(a) Completing the "Application for Retired Status" as required by 201 KAR 20:370;

(b) Paying the fee set out in 201 KAR 20:240; and

(c) Submitting a copy of an official name change document, such as a court order, marriage certificate, Social Security card, or divorce decree, if applicable. (3) If the nurse currently holds an active license, he shall return the active license card with the "Application for Retired Status".

(4)(a) Upon completion of all requirements, the board shall issue the nurse a retired status license.

(b) The retired status license shall remain in effect unless reinstated in accordance with 201 KAR 20:225. A nurse who is currently under disciplinary action shall not be eligible for retired status.

Section 2. (1) An individual who has been granted retired status in Kentucky shall not be employed in this state as a nurse or function in the capacity of a nurse while maintaining the retired status.

(2) An individual who is employed or who practices as a nurse in this state while on retired status shall be considered to be practicing without a license and in violation of KRS 314.031 and subject to the penalties in KRS 314.091 and 314.991.

Section 3. Inactive Licensure Status. (1) The requirements established in this section shall apply until:

(a) November 1, 2005 for a licensed practical nurse; or

(b) November 1, 2006 for a registered nurse.

(2) If an individual has held inactive licensure status in Kentucky and wishes to apply for active licensure status, the individual shall:

(a) Complete the "Application for Licensure" as required by 201 KAR 20:370, Section 1(1)(a);

(b) Pay the current application fee for an active license required by 201 KAR 20:240, Section 1(2)(h); and

(c) Show evidence of:

1. Licensure in another jurisdiction and active nursing practice of at least 500 hours within the preceding five (5) years in that jurisdiction;

2. If an applicant has held an inactive license for five (5) years or less, completion of fourteen (14) contact hours of continuing education for each year since the last year of active licensure, with a minimum of twenty-eight (28) contact hours to a maximum of seventy (70) contact hours.

a. Twenty-eighty (28) hours of continuing education shall have been earned within twenty-four (24) months of the date of the application.

b. Continuing education earned more than five (5) years preceding the date of application shall not be counted toward meeting this requirement; or

3. If an applicant has held an inactive license for more than five (5) years, completion of:

a. A refresher course approved by the board, pursuant to 201 KAR 20:380. The refresher course shall have been completed within two (2) years of the date of the application; or

b. At least 120 contact hours of continuing education earned within one (1) year of the date of the application.

(3) An individual who has been granted inactive status in Kentucky shall not be employed in this state as a registered nurse or licensed practical nurse or function in the capacity of a nurse while maintaining the inactive status. An individual who is employed or who practices as a nurse in this state while on inactive status shall be considered to be practicing without a license and in violation of KRS 314.031 and subject to the penalties in KRS 314.091 and 314.991.

(4) Individuals changing licensure status from inactive to active during the first licensure period following issuance of a license by either examination or endorsement shall not lose the continuing education exemption of KRS 314.073(1).

(5) An individual who was licensed on or after July 15, 1996, and who changes licensure status from inactive to active shall provide evidence of having earned three (3) hours of continuing education in domestic violence as required by KRS 194A.540. This requirement shall apply to an individual one (1) time only. Once earned, it shall not apply to any subsequent change of status. (6 Ky.R. 162; eff. 10-3-79; Am. 9 Ky.R. 595; eff. 12-1-82; 11 Ky.R. 1624; eff. 6-4-85; 14 Ky.R. 574; 1066; eff. 11-6-87; 1581; eff. 3-10-88; 19 Ky.R. 1639; eff. 2-17-93; 27 Ky.R. 821; 1248; eff. 11-17-2000; 29 Ky.R. 499; 919; eff. 10-16-02; 30 Ky.R. 380; 847; 2546; eff. 10-15-03; 31 Ky.R. 339; eff. 8-24-04; 31 Ky.R. 339; 795; 1056; eff. 1-4-05; 32 Ky.R. 289; **eff. 10-19-05.**)

201 KAR 20:110. Licensure by endorsement.

RELATES TO: KRS 194A.540, 314.031(4), 314.041(7), 314.051(8), 314.101(4), 314.103

STATUTORY AUTHORITY: KRS 314.041(7), 314.051(8), 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations to implement the provisions of KRS 314.011 to 314.991. KRS 314.041(7), 314.051(8) authorize the board to issue a license to practice nursing as a registered nurse or a licensed practical nurse to an applicant who has passed the required examination or its equivalent and who was licensed to practice nursing in another jurisdiction. KRS 314.101(4) authorizes the board to issue a temporary work permit to a person who has completed the requirements for, applied for, and paid the fee for licensure by endorsement. This administrative regulation establishes the requirements for licensure by endorsement and establishes the requirements for a temporary work permit for an applicant to practice nursing while the application for a license is being processed.

Section 1. Eligibility for Licensure by Endorsement. (1) To be eligible for licensure by endorsement, an applicant shall:

(a) Have completed a state approved program of nursing equivalent to Kentucky requirements;

(b) Have taken and passed the State Board Test Pool Examination or National Council Licensure Examination or an examination that is consistent with Section 4 of this administrative regulation;

(c) Provide proof of current, active licensure to practice nursing in another U.S. jurisdiction, territory, or foreign country;

(d) Complete the application form, as required by 201 KAR 20:370, Section 1(1);

(e) Submit one (1) current passport type photograph;

(f) Submit the current fee for a licensure application, as established by 201 KAR 20:240;

(g) Report each disciplinary action taken or pending on a license by another jurisdiction;

(h) Submit a certified copy of the court record of each misdemeanor or felony conviction and a letter of explanation that addresses each conviction as required by 201 KAR 20:370, Section 1(3);

(i) Request the U.S. jurisdiction or territory or foreign country of initial licensure to submit a verification of licensure by examination to the board which shall include the following information:

1. Name of the program of nursing completed and date of graduation; and

2. A statement that the applicant's license has not been revoked, suspended, limited, probated or otherwise disciplined by the licensing authority and is not subject to disciplinary action;

(j) Meet the requirement for completion of an educational course on the human immunodeficiency virus and acquired immunodeficiency syndrome, as required by KRS 214.615;

(k) Submit a completed Federal Bureau of Investigation (FBI) Applicant Fingerprint Card and the fee required by the FBI; and

(l) Submit evidence of completion of the clinical internship as required by KRS 314.041, KRS 314.051, and Section 5 of this administrative regulation, if applicable.

(2) An application shall be valid for a period of six (6) months, except as provided for in section 5 of this administrative regulation. The applicant shall:

(a) Submit a copy of a marriage certificate, divorce decree, Social Security card, or court order to change the applicant's name, if the applicant's name is changed after the original application is filed; and

(b) Notify the board in writing as soon as a new address is established after submitting the application.

(3) After six (6) months, the applicant shall:

(a) Submit a new application;

(b) Submit the current licensure application fee; and

(c) Meet the requirements established in this section.

(4) The applicant shall complete the three (3) hour continuing education course on domestic violence within three (3) years of licensure as required by KRS 194A.540.

Section 2. Nursing Practice and Continuing Education Requirements. (1) Except as provided in subsection (2) of this section, an applicant shall complete fourteen (14) contact hours in continuing education for each year since the last year in which the applicant can demonstrate at least 100 hours of practice, with a minimum of twenty-eight contact hours of continuing education.

(2) The requirement established in subsection (1) of this section shall not apply to an applicant who:

(a) Has been licensed for less than five (5) years from the date of initial licensure; or

(b) Has been actively licensed and engaged in nursing practice for at least 500 hours during the preceding five (5) years; or

(c) Has not been engaged in nursing practice during the five (5) years preceding the date of the application. This applicant shall:

1. Complete a refresher course approved by the board, pursuant to 201 KAR 20:380. The refresher course shall have been completed within two (2) years of the date of the application; or

2. Complete at least 120 contact hours of continuing education earned within one (1) year of the date of the application.

(3) At least twenty-eight (28) contact hours shall have been earned within the twenty-four (24) months preceding the date of application for active Kentucky licensure status.

(4) Continuing education earned more than five (5) years preceding the date of application shall not be counted toward meeting the requirements established in subsections (1) and (3) of this section.

Section 3. Temporary Work Permit. (1) An applicant for licensure by endorsement who meets the requirements of Section 1(1)(a) through (h) and (k) of this administrative regulation shall be issued a temporary work permit.

(2) A temporary work permit shall be valid for a period not to exceed six (6) months.

(3) An individual who practices as a nurse in this state without a current temporary work permit prior to issuance of a current active license shall be considered to be practicing without a license in violation of KRS 314.031 and subject to the penalties listed in KRS 314.091 and 314.991.

Section 4. Licensing Examination Standards. An applicant who has taken an examination other than the State Board Test Pool Examination or the National Council Licensure Examination shall provide evidence to the board that the examination met the following standards of equivalency:

(1) Accepted psychometric procedures are used in the development of the examination;

(2) The examination is available to the board in the English language;

(3) The examination test plan blueprint is available for board review and adequately identifies test content and content weighting;

(4) Test items are available for board review and demonstrate the testing of competency necessary for safe practice;

(5) At least one (1) of the reliability estimates for the examination is 0.80 or higher;

(6) The examination is revised after each administration to insure currency and security of content; and

(7) The examination is given under strict security measures.

Section 5. Clinical Internship. This section shall apply to applicants beginning January 1, 2006, as required by KRS 314.041(7) or 314.051(8).

(1)(a) An applicant shall request a provisional license by completing the application for licensure

required by Section 1 of this administrative regulation.

(b) The provisional license shall be issued when the applicant meets the requirements of Section 1(1)(a), (d) through (h), and (k) of this administrative regulation.

(2) To be eligible for a clinical internship, the applicant shall hold a current provisional license.

(3) A provisional license shall expire six (6) months from the date of issuance by the board and shall not be reissued unless the provisions of subsection (4) of this section apply.

(4) A person with a temporary physical or mental inability to complete the clinical internship shall:

(a) Complete the "Petition To Hold Provisional License in Abeyance"; and

(b) Submit evidence from a licensed health care practitioner that documents a diagnosis of a temporary physical or mental inability to complete the internship within the original six (6) months.

(5)(a) If the "Petition To Hold Provisional License in Abeyance" is granted, the current provisional license shall be void and shall be immediately returned to the board.

(b) The person whose petition has been granted shall not engage in nursing practice.

(6)(a)1. A person whose petition has been granted shall submit a written request to the board to reissue the provisional license when the temporary physical or mental inability has been resolved.

2. The request shall include the name, address, telephone number, date of birth, and Social Security number of the person.

3. The request shall also include written verification from a licensed health care practitioner that the temporary physical or mental inability has been resolved.

(b) Upon submission of the required documentation and approval by the board, the board shall reissue the provisional license for six (6) months.

(c) If the required documentation is submitted more than six (6) months from the date of the initial application for licensure, the person shall meet the requirements of Section 1 of this administrative regulation.

(7) Documentation of completion of the clinical internship shall be submitted to the board in writing or electronically. It shall include the following:

(a) Name, address, telephone number, Social Security number and date of birth of the applicant;

(b) Provisional license number;

(c) Name, address and telephone number of the facility where the clinical internship was completed; and

(d) Name of the supervising nurse.

(8) To qualify as "direct supervision" under KRS 314.041(5) and 314.051(6), the nurse responsible for the applicant shall at all times be physically present in the facility and immediately available to the applicant while the applicant is engaged in the clinical internship.

(9) The nurse responsible for the applicant shall be currently licensed to practice as a nurse in Kentucky.

Section 6. Applicants for LPN license pursuant to KRS 314.041(14). An applicant for an LPN license pursuant to KRS 314.041(14) shall meet the requirements of this administrative regulation.

Section 7. Incorporation by Reference. (1) "Petition to Hold Provisional License in Abeyance", (8/04), Kentucky Board of Nursing, is incorporated by reference.

(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. (1 Ky.R. 1252; eff. 7-2-75; Am. 6 Ky.R. 579; eff. 7-2-80; 8 Ky.R. 781; eff. 3-1-82; 11 Ky.R. 1626; eff. 6-4-85; 14 Ky.R. 575; 1067; eff. 11-6-87; 1582; eff. 3-10-88; 19 Ky.R. 1641; eff. 2-17-93; 24 Ky.R. 1754; 2110; eff. 4-13-98; 25 Ky.R. 594; 1031; eff. 11-18-98; 26 Ky.R. 1438; eff. 2-16-2000; 27 Ky.R. 823; 1249; eff. 11-17-00; 28 Ky.R. 677; eff. 10-17-01; 1678; 3-14-02; 29 Ky.R. 500; 920; eff. 10-16-02; 30 Ky.R. 380; 847; eff. 10-15-03; 31 Ky.R.

797; 1291; 1400; eff. 2-22-05; 32 Ky.R. 290; **eff. 10-19-05.**)

201 KAR 20:161. Investigation and disposition of complaints.

RELATES TO: KRS 314.011(13), 314.031, 314.071(4), 314.091, 314.991(3)

STATUTORY AUTHORITY: KRS 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.191(1) establishes the standards for disciplinary action to be taken by the board for practices which violate the provisions of KRS Chapter 314. This administrative regulation establishes the procedures for the investigation and disposition of complaints received by the board.

Section 1. Receipt of Complaints. (1) The board shall receive and process each complaint made against any licensee, applicant or unlicensed individual if the complaint alleges acts which may be in violation of the provisions of KRS Chapter 314.

(2) All complaints shall be in writing and shall be dated and fully identify the complainant by name and address. The president of the board or the executive director or his designee may file a complaint based upon information received by oral, telephone or written communications if the facts of the complaint are determined to be accurate and indicate acts which may be in violation of the provisions of KRS Chapter 314.

(3) A certified copy of a court record for a misdemeanor or felony conviction shall be considered a valid complaint.

(4) Complaints shall be investigated. The staff may request an informal conference with the individual against whom the complaint has been made.

(5) Complaints shall be evaluated to determine if an apparent violation of the provisions of KRS Chapter 314 has been committed. The credentials review panel, the executive director or his designee shall make the determination as to the disposition of the complaint pursuant to Section 2 of this administrative regulation.

(6) All preliminary information shall be treated as confidential during the investigation and shall not be disclosed to board members or to the public. If a board member has participated in the investigation or has substantial knowledge of facts prior to a hearing on the complaint that may influence an impartial decision by the member, that member shall not participate in the adjudication of the complaint.

Section 2. Disposition of Complaints. (1) Disposition of complaints shall be as follows:

(a) The complaint may be filed away if there is a determination that there is insufficient evidence of a violation or that a violation has not occurred;

(b) The complaint may be referred to the credentials review panel of the board by the executive director or his designee for disposition pursuant to this section or for issuance of a letter of concern; or

(c) It may be determined that there is probable cause that a violation of KRS 314.091 has occurred.

(2) Upon determination that there is probable cause that a violation of KRS 314.091 has occurred, the complaint shall be handled as follows:

(a) An administrative hearing may be scheduled pursuant to subsection (3) of this section; or

(b) An agreed order may be offered pursuant to subsection (4) of this section; or

(c) A consent decree may be offered, pursuant to subsection (5) of this section.

(3) Administrative hearings.

(a) Hearings shall be held pursuant to KRS 314.091, KRS Chapter 13B, and 201 KAR 20:162.

(b) Notice of the hearing and charges shall be mailed by certified mail to the address of the licensee or applicant on file with the board pursuant to KRS 314.107.

(c) Notice of the hearing and charges shall be signed by the executive director or his designee.

(4) Agreed order.

(a) The board may enter into an agreement with an applicant or licensee for revocation, voluntary surrender, suspension, probation, reinstatement, limitation of license or reprimand, and to impose a civil penalty. The terms of the agreement may include other conditions or requirements to be met by applicant or licensee, including those listed in Section 4 of this administrative regulation.

(b) The agreed order may contain terms which insure protection of public health and safety, or which serve to educate or rehabilitate the applicant or licensee.

(c) The agreed order when approved by the board shall terminate the investigation of a specific complaint.

(5) Consent decree.

(a) If a licensee or applicant agrees to waive his right to a hearing and there is no evidence of intentional violation of the mandatory licensure provisions of KRS Chapter 314, the board may issue a consent decree in accordance with the provisions of KRS 314.991 to impose a civil penalty against a licensee or applicant who has:

1. Practiced as a nurse in the Commonwealth of Kentucky without a temporary work permit or a current, active license issued by the board prior to filing an application for licensure.

2. Practiced as an advanced registered nurse practitioner in the Commonwealth of Kentucky without current, active registration issued by the board prior to filing an application for registration.

3. Practiced as an advanced registered nurse practitioner after expiration of the current certification granted by the appropriate national organization or agency.

4. Obtained a license or work permit on the basis of a check for an application fee which was returned unpaid by the bank.

5. Qualified for a consent decree to cure noncompliance with continuing education requirements, as set forth in 201 KAR 20:215, Section 3.

6. Executed an affidavit of reasonable cause concerning the AIDS education requirement and obtained the required education after the expiration of the six (6) months.

(b) The use of a consent decree shall be restricted to only those applicants or licensees described above and who have not violated any other provision of KRS Chapter 314 or any other laws of the Commonwealth of Kentucky or of the United States.

(c) The license or registration may be issued by board staff after the applicant or licensee meets all requirements for licensure or registration and after payment of the civil penalty by the applicant or licensee.

(d) Upon ratification by the board of the consent decree the investigation of the specific complaint shall be terminated.

(e) If consent decree is not ratified by the board, charges may be brought pursuant to KRS 314.091 and the matter resolved as directed therein.

(f) Consent decrees which have been ratified by the board shall not be reported to other state boards of nursing, the national council of state boards of nursing or other organization, unless required by law.

Section 3. The executive director or his designee shall notify the complainant and the person against whom the complaint was made of the final disposition of the case.

Section 4. The restrictions or conditions imposed by the board on a limited temporary work permit or limited license may include the following:

(1) Prohibiting the performance of specific nursing acts including access to, responsibility for, or the administration of controlled substances; administration of any medication; supervisory functions; or any act which the licensee or applicant cannot safely perform.

(2) Requiring the applicant or licensee have continuous, direct, on-site supervision by a registered nurse, physician, or dentist.

(3) Specifying the applicant's or licensee's practice setting.

(4) Specifying the types of patients to whom the applicant or licensee may give nursing care.

(5) Requiring the applicant or licensee to notify the board in writing of any change in name, address, or employment.

(6) Requiring the applicant or licensee to have his employer submit to the board written reports of performance or compliance with the requirements set by the board.

(7) Requiring the applicant or licensee to submit to the board evidence of physical or mental health evaluations, counseling, therapy or drug screens.

(8) Meeting with representatives of the board.

(9) Issuing the license or temporary work permit for a specified period of time.

Section 5. A limited temporary work permit or limited license may be issued to:

(1) An applicant or licensee who has been subjected to disciplinary action by the board pursuant to KRS 314.091; or

(2) An applicant or licensee who holds a license with restrictions or conditions in another jurisdiction as a result of disciplinary action and has had action by the board pursuant to KRS 314.091. (11 Ky.R. 1694; eff. 6-4-85; Am. 14 Ky.R. 578; 1068; eff. 11-6-87; 2192; eff. 8-5-88; 15 Ky.R. 838; eff. 10-14-88; 17 Ky.R. 2758; eff. 4-11-91; 19 Ky.R. 2667; 20 Ky.R. 304; eff. 8-6-93; 32 Ky.R. 292; 620; **eff. 10-19-05.**)

201 KAR 20:215. Continuing competency requirements.

RELATES TO: KRS 314.011(12), 314.073, 314.991(1)-(3)

STATUTORY AUTHORITY: KRS 314.073, 314.131(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1), (2), and 314.073 require the Board of Nursing to promulgate administrative regulations to establish continuing competency requirements for nurses. This administrative regulation establishes the fees, procedures, and requirements for continuing competency for nurses.

Section 1. Definitions. (1) "Contact hour" means fifty (50) minutes of an approved, organized learning experience.

(2) "Earning period" means November 1 through October 31 of a current licensure period.

(3) "Preceptor" means an experienced and competent nurse who assumes responsibility to assist with the clinical practice experience of a nursing student or new employee by serving as a role model, teacher, and resource.

Section 2. (1) A licensee shall choose a method from Section 3 of this administrative regulation to validate his or her continued competency in nursing for each earning period.

(2) A licensee shall maintain the documentation of the method chosen.

(3) A licensee shall provide the documentation if directed by the board.

Section 3. Methods for continued competency validation are as follows:

(1) Fourteen (14) contact hours of continuing education which shall:

(a) Be from a provider approved by the board pursuant to 201 KAR 20:220 and earned during the licensure period; and

(b) Include the continuing education required by Section 5 of this administrative regulation;

(2) Current national certification or recertification and the continuing education required by Section 5 of this administrative regulation. The certification shall be related to the nurse's practice role and shall:

(a) Have been initially attained during the licensure period;

(b) If issued for a period of time as evidenced by an expiration date, have been in effect during the entire licensure period; or

(c) Have been recertified during the licensure period;

(3) The continuing education required by Section 5 of this administrative regulation and at least one (1) of the following during the licensure period:

(a) Completion of a research project that is nursing-related:

1. As principal investigator, coinvestigator, or project director;

2. That is qualitative or quantitative in nature;

3. That utilizes a research methodology;

4. That increases knowledge, causes an improved outcome, or changes behavior, and that is evidenced by an abstract of the project which includes a summary of the findings;

(b) Publication of a nursing-related article;

(c) A nursing continuing education presentation that is:

1. A presentation that is designed and developed by the presenter;

2. Presented to nurses or other health professionals; and

3. Evidenced by a program brochure, course syllabi, or a letter from the offering provider identifying the licensee's participation as the presenter of the offering;

(d) Participation as a preceptor for at least one (1) nursing student or new employee.

1. The preceptorship shall be for at least 120 hours.

2. There shall be a one-to-one relationship between the preceptor and the student or employee.

3. The preceptor may precept more than one (1) student or employee during the 120 hours.

4. The preceptorship shall be evidenced by written documentation from the educational institution or preceptor's supervisor; or

(4)(a) Seven (7) hours of continuing education from a provider approved by the board pursuant to 201 KAR 20:220 and earned during the licensure period which shall include the continuing education required by Section 5 of this administrative regulation; and

(b) A nursing employment evaluation that is satisfactory for continued employment. The evaluation shall:

1. Cover a period of at least six (6) months during the earning period;

2. Be signed by the nurse's supervisor; and

3. Include the name, address and telephone number of the employer.

Section 4. (1) A licensee shall provide documentation of the methods used to validate continued competency if the licensee is the subject of a disciplinary complaint.

(2) A licensee shall provide documentation of the methods used to validate continued competency if requested by the board pursuant to a random audit of licensees.

Section 5. (1) Registered nurses and licensed practical nurses shall earn a minimum of two (2) contact hours of HIV/AIDS education:

(a) Approved by the Cabinet for Health and Family Services pursuant to KRS 214.610; or

(b) Offered by a provider approved pursuant to 201 KAR 20:220.

(c) These contact hours shall be earned at least one (1) time every ten (10) years.

(2) Advanced registered nurse practitioners shall earn a minimum of five (5) contact hours in pharmacology.

(3) Sexual assault nurse examiners shall earn the continuing education required by 201 KAR 20:411, Section 8.

Section 6. (1)(a) A licensee shall maintain records to substantiate methods used to validate competency.

(b) All records shall be retained for at least five (5) years following the current licensure period, except for HIV/AIDS education records which shall be maintained for twelve (12) years.

(2)(a) A licensee shall, upon request, furnish to the board or its staff, legible copies of the records required to be maintained by subsection (1) of this section.

(b) Copies shall be furnished within thirty (30) days of the date a written request is mailed by first class to the last known address of the licensee or applicant.

(c) Failure to furnish records as required by this administrative regulation shall be cause for the issuance of a complaint pursuant to 201 KAR 20:161 for failure to comply with KRS 314.073(2).

(3)(a) Except as provided by paragraph (b) of this subsection, if the board determines that a licensee has failed to comply with the continuing competency requirements, he shall be allowed to cure the noncompliance if he:

1. Meets the continuing competency requirements within ninety (90) days of notification of noncompliance;

2. Enters a consent decree with the board; and

3. Pays a civil penalty imposed by the board pursuant to KRS 314.991.

(b) The board shall issue a complaint pursuant to 201 KAR 20:161 if:

1. A licensee fails to furnish records as requested pursuant to subsection (2) of this section; or

2. There is evidence of fraud or deceit in procuring or attempting to procure a license to practice nursing.

(4)(a) Partial credit for attendance at a continuing education activity shall not be given.

(b) A licensee who attends continuing education activities, whether as a presenter, participant, or student, shall attend the entire offering to be eligible to receive the number of contact hours for which the activity has been approved.

(5) It shall be the responsibility of each licensee to select and participate in those continuing education activities that will meet the criteria for acceptable continuing education.

(6) A licensee shall not repeat a continuing education offering within a licensure period.

Section 7. (1) Successful completion of a postlicensure academic course at a college, university, or postsecondary vocational institution shall qualify as a continuing education activity obtained from an approved provider if relevant to nursing practice under subsection 3 of this section.

(2) Contact hours shall be calculated as follows:

(a) One (1) semester or trimester hour of academic credit shall equal fifteen (15) contact hours; or

(b) One (1) quarter hour of academic credit shall equal twelve (12) contact hours.

(3) The following courses shall be relevant to nursing practice:

(a) A nursing course, designated by a nursing course number, and beyond the prelicensure curriculum of the individual licensee; or

(b) An academic course that is applicable to the nurse's role and beyond the prelicensure curriculum of the individual licensee.

(4) A licensee may request course review for approval of applicable nursing content pursuant to Section 8 of this administrative regulation.

(5) If it is an academic course in which grades are given, the licensee shall achieve a grade of "C" or better, or a pass on a pass-fail grading system.

Section 8. (1) A licensee may request an individual review of a nonapproved continuing education activity completed during the earning period if, within thirty (30) days after the expiration of the immediate past licensure period, the licensee has:

(a) Requested the review by submitting an "Application for Individual Review"; and

(b) Paid a fee of ten (10) dollars.

(2) The review shall be based on the standards established by:

(a) Sections 2 through 7 of this administrative regulation; and

(b) 201 KAR 20:220.

(3) Approval by the board of a nonapproved continuing education activity shall:

(a) Qualify it as having been obtained from an approved provider for the licensee requesting the review; and

(b) Be limited to the particular offering upon which the request for individual review is based.

Section 9. Incorporation by Reference. (1) "Application for Individual Review," 9/2005, Kentucky Board of Nursing, is incorporated by reference.

(2) This document may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222-5172, Monday through Friday, 8 a.m. to 4:30 p.m. (6 Ky.R. 699; Am. 7 Ky.R. 400; eff. 10-1-80; 9 Ky.R. 596; eff. 12-1-82; 11 Ky.R. 1630; eff. 6-4-85; 14 Ky.R. 583; eff. 11-6-87; 2193; eff. 8-5-88; 18 Ky.R. 3212; 19 Ky.R. 18; eff. 7-4-92; 2671; eff. 8-6-93; 22 Ky.R. 1337; 1594; eff. 3-7-96; 23 Ky.R. 3073; eff. 3-19-97; 27 Ky.R. 824; 1448; eff. 12-21-2000; 28 Ky.R. 126; eff. 9-10-01; 29 Ky.R. 502; 921; eff. 10-16-02; 2123; 2450; eff. 4-11-03; 30 Ky.R. 2100; 2289; eff. 5-24-04; 31 Ky.R. 799; 1058; eff. 1-4-05; 32 Ky.R. 718; **eff. 1-6-06.**)

201 KAR 20:220. Nursing continuing education provider approval.

RELATES TO: KRS 314.011(12), 314.073, 314.131(1), (2)

STATUTORY AUTHORITY: KRS 314.131(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(2) and 314.073(3) require the board to establish continuing competency requirements and approve providers of continuing education. This administrative regulation establishes requirements for providers of continuing education.

Section 1. (1) A provider applicant shall submit an:

- (a) "Application for Provider Approval"; and
- (b) Application fee as set forth in 201 KAR 20:240.

(2) If an application is approved, the board shall issue a provider number to the applicant.

(3) Provider approval shall initially expire on December 31 of the second year following initial approval.

(4) On or before September 30 of the year in which an approval period expires, an approved provider shall submit the:

- (a) "Application for Provider Renewal"; and
- (b) Fee as set forth in 201 KAR 20:240.

(5) Renewal shall be for five (5) years.

(6) A provider applicant may establish compliance by submitting evidence of approval by one (1) of the following organizations:

- (a) American Academy of Nurse Practitioners;
- (b) American Association of Critical Care Nurses;
- (c) American Association of Nurse Anesthetists;
- (d) American College of Nurse Midwives;
- (e) American Nurses Credentialing Center;
- (f) Association of Women's Health, Obstetrical and Neonatal Nurses;
- (g) National Association of Nursing Practitioners in Women's Health;
- (h) National Association Pediatric Nurses Associates and Practitioners;
- (i) National Association for Practical Nurses Education and Service;
- (j) National Federation of Licensed Practical Nurses;
- (k) National League for Nursing; and
- (l) State Boards of Nursing.

(7)(a) An organization that approves nursing continuing education may request that it be added to this administrative regulation.

(b) An organization shall be included in this administrative regulation if the board determines that its standards are comparable to the standards established by the provisions of this administrative regulation.

Section 2. (1) The board may review a provider's continuing education activities or approval status at any time.

(2) Except as provided in subsection (3) of this section, if after a review of a provider it is determined that the provider does not comply with this administrative regulation, the board shall send the provider notice of its intent to deny or limit the provider's approval status.

(3) If after a review of a continuing education activity it is determined that the activity does not comply with this administrative regulation, the board shall send the provider notice of its intent to deny approval status for subsequent offerings of that specific continuing education activity.

(4)(a) A request for a hearing before the board shall be filed within ten (10) days of receipt of the board's notice.

(b) If a provider fails to submit a request for a hearing within the time specified in paragraph (a)

of this subsection, the board shall implement the action proposed in its notice.

Section 3. Providers shall comply with the following standards:

(1)(a) A nurse who meets the qualifications established in paragraph (b) of this subsection shall be administratively responsible for continuing education activities, including:

1. Planning;
2. Development;
3. Implementation; and
4. Evaluation.

(b) A nurse administrator shall:

1. Hold a current active license;
2. Have experience in adult and continuing education; and
3. Hold a baccalaureate or higher degree, in nursing.

(c) The nurse administrator of continuing education for licensed practical nursing groups shall hold a diploma, or its equivalent, from an approved school of practical nursing.

(2) Organized learning activities shall be based upon systematic needs assessment, and shall support quality continuing education that:

- (a) Enhances the quality, safety and effectiveness of care provided by nurses; and
- (b) Contributes directly to the competence of a nurse.

(3) The content of nursing continuing education shall be designed to:

- (a) Present current theoretical knowledge to enhance and expand nursing skills; and
- (b) Promote the development, or change in attitudes, necessary to make competent judgments and decisions in nursing.

(4) Objectives for continuing education activities shall be:

- (a) Related to nursing practice and interventions;
- (b) Stated in clearly defined expected learner outcomes; and
- (c) Consistent with needs assessment data.

(5) The continuing education activity shall reflect cooperative planning between the nurse administrator, faculty and content experts.

(6) The content for each educational activity shall include and be documented in provider files as follows:

- (a) An agenda indicating a presentation schedule, presenters, topics, meals, breaks.
- (b) Topical outline, teaching methods, and corresponding time frames sufficient to support relevance and value of the educational activity to safe, effective nursing practice.

(7) Teaching methods shall be consistent with the content and learning objectives, and shall reflect the use of adult learning principles.

(8) Faculty for continuing education activities shall demonstrate content knowledge and expertise.

(9) The name, title and credentials identifying the educational and professional qualifications for each faculty member shall be retained in the provider offering files.

(10) Resources allocated for the continuing education activity shall be adequate in terms of education unit organization, with fiscal support for adequate staff, facilities, equipment and supplies to ensure quality teaching-learning in a comfortable environment that is accessible to the target audience.

(11) Participants shall be provided with essential information for review prior to registration. This information shall include:

- (a) Learning objectives;
- (b) Content overview;
- (c) Date, time, and presentation schedule;
- (d) Presenter;

- (e) Number of contact hours;
- (f) Fee and refund policy; and
- (g) Requirements for successful completion.

(12) Published information about continuing education activities offered by providers approved by the board shall include the:

- (a) Provider number; and

(b) Following statement: "Kentucky Board of Nursing approval of an individual nursing continuing education provider does not constitute endorsement of program content."

(13) A provider shall notify the board in writing within one (1) month of any changes in its administration, such as nurse administrator, mailing address, telephone number or other relevant information.

(14) A provider shall designate and publish the number of hours of any portion of an offering dedicated to pharmacology.

(15) Records of continuing education activities shall be maintained for a period of five (5) years, including the following:

- (a) Title, date and site of the activity;
- (b) Name of the person responsible for coordinating and implementing the activity;
- (c) Purpose, documentation of planning committee activities, learner objectives, content outline, faculty, teaching and evaluation methods;
- (d) Participant roster, with a minimum of:
 - 1. Name; and
 - 2. Social Security number or license number;
- (e) Summary of participant evaluations;
- (f) Number of continuing education contact hours awarded;
- (g) Master copy of certificate awarded.

(16) Participants shall receive a certificate of attendance that documents participation with the following:

- (a) Name of participant;
- (b) Offering title, date and location;
- (c) KBN's provider's name, address, telephone number, approval number and expiration date;
- (d) Name and signature of authorized provider representative;
- (e) Number of continuing education contact hours awarded.

(17) There shall be a clearly defined method for evaluating the continuing education activity which includes the following:

(a) An evaluation tool that includes participant appraisal of achievement of each learning objective; teaching effectiveness of each presenter; relevance of content to stated objectives; effectiveness of teaching methods; and appropriateness of physical facilities.

(b) A mechanism for periodic, systematic evaluation of the provider's total program of educational activities.

(18) An action plan with time lines for resolution of identified deficiencies shall be maintained.

(19) The provider shall have current policies and procedures for the management of the providership that demonstrate compliance with the required standards.

(20) The continuing education providership shall be a recognizable function within the sponsoring organization.

Section 4. (1) The following forms are incorporated by reference:

- (a) "Application for Provider Approval", 6/2005, Kentucky Board of Nursing;
- (b) "Application for Provider Renewal", 6/2005, 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. (6 Ky.R. 699; Am. 7 Ky.R. 401; eff. 10-1-80; 9 Ky.R. 597; eff. 12-1-82; 11 Ky.R. 990; eff. 1-7-85; 14 Ky.R. 584; eff. 11-6-87; 18 Ky.R. 3213; 19 Ky.R. 20; eff. 7-4-92; 23 Ky.R. 3075; 3558; eff. 3-19-97; 27 Ky.R. 826; 1250; eff. 11-17-2000; 28 Ky.R. 128; eff. 9-10-2001; 29 Ky.R. 2945; eff. 8-13-03; 32 Ky.R. 293; **eff. 10-19-05.**)

201 KAR 20:225. Reinstatement of license.

RELATES TO: KRS 314.041(11), 314.042(6), 314.051(11), 314.071, 314.073, 314.091

STATUTORY AUTHORITY: KRS 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations to implement the provisions of KRS 314.011 to 314.991. KRS 314.041(11), 314.042(6), and 314.051(11) allow a person whose license has lapsed due to failure to renew to be able to reinstate the license. KRS 314.091 authorizes the board to discipline a licensee for a violation of the statutes or administrative regulations. This administrative regulation establishes procedures for reinstatement of a license that has lapsed or has been subject to disciplinary action.

Section 1. Reinstatement of Lapsed or Retired License. (1) A license shall be lapsed if it has expired because of the licensee's failure to:

- (a) Submit a completed and timely application for renewal;
- (b) Submit data required to enable the board to complete the processing of an application;
- (c) Submit the current application fee; or
- (d) Meet all requirements for renewal of a license, in accordance with KRS 314.071.

(2) A lapsed or retired license may be reinstated by:

- (a) Submitting a completed application form required by 201 KAR 20:370, Section 1(1)(a) or (c);
- (b) Paying the current application fee required by 201 KAR 20:240, Section 1(2)(g) or (l); and
- (c) Meeting all other requirements of this section.

(3)(a) If an individual applies for reinstatement of a lapsed license to active status, the applicant shall complete fourteen (14) contact hours of continuing education for each year since the date of last active licensure, with a minimum of twenty-eight (28) contact hours, if the date of last active licensure is within five (5) years of the application for reinstatement.

1. Twenty-eight (28) hours of continuing education shall have been earned within twenty-four (24) months of the date of the application.

2. Continuing education earned more than five (5) years preceding the date of application shall not be counted toward meeting this requirement.

(b) If an applicant has not been engaged in nursing practice during the five (5) years preceding the date of the application, the applicant shall:

1. Complete a refresher course approved by the board, pursuant to 201 KAR 20:380. The refresher course shall have been completed within two (2) years of the date of the application; or

2. Complete at least 120 contact hours of continuing education earned within one (1) year of the date of the application.

(c) An individual who was exempt from the contact hour earning requirement pursuant to KRS 314.073(1) and who applies for reinstatement of a lapsed license within one (1) year from the date of lapse shall earn fourteen (14) contact hours.

(4) If the applicant has been currently licensed and actively engaged in nursing practice in another jurisdiction for at least 500 hours during the preceding five (5) years, the requirements of subsection (3) of this section shall not apply. The applicant shall submit evidence to verify the current licensure and active practice.

(5) An applicant who applies for reinstatement of a lapsed license under this section within thirty (30) days of October 31 of a licensure year may use the continuing competency methods set out in 201 KAR 20:215, Section 3, for reinstatement.

Section 2. Reinstatement of License Subject to Disciplinary Action. (1) If a license has been revoked, an individual may apply for reinstatement by:

- (a) Completing the appropriate application required by 201 KAR 20:370, Section 1(1)(a) or (c);

- (b) Paying the current application fee required by 201 KAR 20:240, Section 1(2)(g) or (l);
- (c) Meeting the terms of the disciplinary order; and
- (d) Retaking the licensure examination and achieving a passing score.

(2) A hearing shall be held to determine if the issuance of a license would no longer be a threat to public safety and health.

(3)(a) If a license has been suspended or voluntarily surrendered, an individual may apply for reinstatement by:

1. Completing an application required by 201 KAR 20:370, Section 1(1)(a) or (c);
2. Paying the fee required by 201 KAR 20:240, Section 1(2)(g) or (l); and
3. Notifying the board, in writing, that the requirements of the decision or agreed order have been met.

(b) If the decision or agreed order requires that a hearing be held, the individual shall notify the board, in writing, to request that a hearing be scheduled.

(4) An individual whose license has been suspended or voluntarily surrendered shall be required to comply with the continuing education requirements of KRS 314.073 for the period during which the license was suspended or surrendered.

(5) If a license has been probated and the individual has allowed the license to expire prior to the end of the probationary period, and the individual later applies for reinstatement, the license shall be reinstated subject to the remaining probationary period. The individual shall comply with all requirements for reinstatement, in accordance with KRS 314.071.

(6)(a) A person may seek reinstatement of a license pursuant to subsection (3) of this section, if an order of immediate temporary suspension has been issued pursuant to:

1. KRS 314.085(1) because of a person's failure to obtain an evaluation and the person subsequently obtains the evaluation;
2. KRS 314.075 because of a person's submission of a bad check and the person subsequently makes the check good; or
3. KRS 164.772 because of a notice from the Kentucky Higher Education Assistance Authority that a person is in default of a student loan and the Kentucky Higher Education Assistance Authority subsequently notifies the board that the person is no longer in default.

(b) A request for reinstatement of a license following the issuance of an order of immediate temporary suspension as listed in paragraph (a) of this subsection may be denied, if in the opinion of the board, continuance of the temporary suspension is necessary in order to protect the public.

Section 3. Miscellaneous Requirements. (1) An individual who reinstates a license during the first seven (7) months of a licensure period shall be exempt from meeting the continued competency requirements of 201 KAR 20:215.

(2)(a) A copy of an official name change document shall be submitted by the applicant when making application, if applicable.

(b) Verification of the name change shall be made by submitting a copy of a:

1. Court order;
2. Marriage certificate;
3. Divorce decree; or
4. Social Security card.

(3) An individual whose license lapsed, was suspended, or voluntarily surrendered prior to July 15, 1996 shall provide evidence of having earned three (3) hours of continuing education in domestic violence as required by KRS 194A.540 prior to reinstating the license.

(4) An individual who holds a nursing license that was revoked by disciplinary order of the board prior to December 31, 1987 shall meet all requirements of Section 2 of this administrative regulation except Section 2(1)(d) of this administrative regulation. (6 Ky.R. 700; Am. 7 Ky.R. 402; eff. 10-1-80; 9 Ky.R. 598; eff. 12-1-82; 11 Ky.R. 1631; eff. 6-4-85; 14 Ky.R. 585; 1071; eff. 11-6-87; 1583;

eff. 3-10-88; 19 Ky.R. 1642; eff. 2-17-93; 27 Ky.R. 828; 1251; eff. 11-17-2000; 28 Ky.R. 680; 1115;
eff. 10-17-01; 29 Ky.R. 504; 922; eff. 10-16-02; 30 Ky.R. 383; 2547; eff. 10-15-03; 31 Ky. R. 339;
eff. 8-24-04; 339; 800; 1059; eff. 1-4-05; 32 Ky.R. 295; **eff. 10-19-05.**)

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 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, Section 1(1), to the board office, postmarked no later than the last day of the licensure period;
- (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 licenses in other jurisdictions; and
- (7) Have paid all monies due to the board.

Section 2. An applicant who is renewing for the first time an original Kentucky license issued by examination or endorsement shall be exempt from meeting the continuing competency requirements of 201 KAR 20:215.

Section 3. The licensure period for renewal of licenses shall be as specified in 201 KAR 20:085. (9 Ky.R. 289; Am. 400; eff. 9-8-82; 11 Ky.R. 1632; eff. 6-4-85; 14 Ky.R. 587; eff. 11-6-87; 19 Ky.R. 1643; eff. 2-17-93; 23 Ky.R. 3076; 3560; eff. 3-19-97; 28 Ky.R. 130; 558; eff. 9-10-2001; 31 Ky.R. 802; 1060; eff. 1-4-05; 32 Ky.R. 297; **eff. 10-19-05.**)

201 KAR 20:370. Applications for licensure and registration.

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

STATUTORY AUTHORITY: KRS 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.041, 314.051, and 314.071 require the board to review an application for licensure and a licensee for conformity with KRS Chapter 314. KRS 314.091 requires the board to deny, limit, revoke, probate, suspend, or take other action against an applicant or licensee who is guilty of the offenses or conduct specified in KRS 314.091. This administrative regulation establishes requirements and procedures for licensure and registration.

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

(1) Submit the appropriate completed application form to the board office, as follows:

(a) For RN or LPN licensure by examination, endorsement, reinstatement or change of status, "Application for Licensure";

(b) For RN or LPN Renewal, "Licensure Renewal Application";

(c) For registration or reinstatement as an advanced registered nurse practitioner, "Application for Registration as an Advanced Registered Nurse Practitioner"; or

(d) For renewal as an advanced registered nurse practitioner, "ARNP Registration Renewal Application";

(2) Submit the current application fee, as required by 201 KAR 20:240;

(3) Submit a certified 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 an administrative regulation;

(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 registered nurse practitioner registration, 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. A completed renewal application form and all information needed to determine that an applicant meets the requirements for renewal of licensure or registration shall be postmarked or received by the board no later than the last day for renewal of license or registration.

Section 3. 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 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 4. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Licensure", 6/2005, Kentucky Board of Nursing;

(b) "Licensure Renewal Application", 8/2004, Kentucky Board of Nursing;

(c) "Application for Registration as an Advanced Registered Nurse Practitioner", 6/2002, Kentucky Board of Nursing;

(d) "ARNP Registration Renewal Application", 6/2005, Kentucky Board of Nursing; and

(e) "Application for Retired Status", 8/2004, 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. (13 Ky.R. 1963; eff. 6-9-87; Am. 14 Ky.R. 596; eff. 11-6-87; 19 Ky.R. 2674; eff. 8-6-93; 20 Ky.R. 2047; eff. 3-14-94; 3221; eff. 8-4-94; 23 Ky.R. 3077; 3560; eff. 3-19-97; 24 Ky.R. 1757; 24 Ky.R. 1757; 2112; eff. 4-13-98; 25 Ky.R. 598; 1034; eff. 11-18-98; 1945; eff. 4-21-99; 26 Ky.R. 1693; 1943; eff. 5-10-2000; 28 Ky.R. 682; eff. 10-17-01; 29 Ky.R. 1302; eff. 1-15-03; 30 Ky.R. 384; eff. 10-15-03; 31 Ky.R. 804; 1062; eff. 1-4-05; 32 Ky.R. 298; **eff. 10-19-05.**)

201 KAR 20:390. Nursing Incentive Scholarship Fund.

RELATES TO: KRS 314.011, 314.025, 314.026, 314.027

STATUTORY AUTHORITY: KRS 314.026(1), 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.025 through 314.027 create the Kentucky Nursing Incentive Scholarship Fund for Kentucky residents. KRS 314.026 requires the Board of Nursing to promulgate administrative regulations to implement and administer the scholarship fund. This administrative regulation implements the Kentucky Nursing Incentive Scholarship Fund Program and establishes the requirements relating to the program. KRS 314.025 also allows the Nursing Incentive Scholarship Fund to issue grants for nursing workforce competency development. This administrative regulation provides criteria for submitting grant requests.

Section 1. Definitions. (1) "Academic year" means, for a registered nursing or graduate nursing program, a twelve (12) month period beginning with a fall session; and for a practical nursing program, the completion of the required program.

(2) "Board" is defined by KRS 314.011(1).

(3) "Committee" means the Kentucky Nursing Incentive Scholarship Fund Grant Review Committee.

(4) "Kentucky resident" is defined by 13 KAR 2:045, Section 1(11).

(5) "Program of nursing" means either a prelicensure, BSN completion or graduate nursing program.

(6) "Successful academic progression" means:

(a) For a prelicensure or BSN completion nursing program, the completion of a minimum of fifteen (15) credit hours per academic year of published requirements for the program of nursing and maintenance of a minimum grade point average which would allow continuation in a program of nursing; or

(b) For a graduate nursing program, the completion of a minimum of nine (9) credit hours per academic year of published requirements for the program of nursing and maintenance of a minimum grade point average which would allow continuation in the graduate program.

(c) The provisions of paragraphs (a) and (b) of this subsection shall not apply during the last academic year preceding graduation.

Section 2. Application. (1) To be eligible for a nursing incentive scholarship, an applicant shall:

(a) Be a Kentucky resident; and

(b) Have been accepted for admission to a program of nursing.

(2) An applicant shall submit a completed "Nursing Incentive Scholarship Application" by June 1 to apply for a scholarship for the following academic year.

(3) An applicant shall attach to the application a copy of the Student Aid Report from the Free Application for Federal Student Aid (FAFSA) for the current year, if requesting preference for financial need.

Section 3. The Committee. (1) A member of the committee shall serve for two (2) years and may be reappointed.

(2) The committee shall meet as needed to review grant requests submitted pursuant to Section 11 of this administrative regulation.

(3) A member of the committee shall:

(a) Serve without compensation; and

(b) Be reimbursed for actual and necessary expenses related to serving on the committee.

Section 4. Criteria for Awards. The board shall consider the following criteria in evaluating an

application and shall award points as follows:

- (1) Preference categories as specified in KRS 314.025(2):
 - (a) Licensed practical nurses, twenty-five (25) points;
 - (b) Registered nurses pursuing graduate nursing education, twenty-five (25) points; and
 - (c) Financially-needy Kentucky residents, forty (40) points. Financial need shall be determined by the annual FAFSA Pell Grant Indicator of Eligibility for Financial Aid.
- (2) Potential for academic success, as follows: high school, vocational school, college or university grade point average for whichever institution the applicant most recently attended:
 - (a) Three and five-tenths (3.5) to four (4.0), twenty-five (25) points;
 - (b) Three (3) to three and four-tenths (3.4), twenty (20) points; and
 - (c) Two and five-tenths (2.5) to two and nine-tenths (2.9), fifteen (15) points.
- (3) Previous health care experience, either paid or volunteer, shall be equal to five (5) points for each year in which service is validated, to a maximum of ten (10) points.

Section 5. Amount of Award. (1) The board shall be notified by the board's fiscal officer as to the current fund balance prior to making an award.

- (2)(a) The board shall first make awards to those recipients who:
 1. Received an award in the previous year; and
 2. Remain eligible to receive an award pursuant to Section 7 of this administrative regulation in the current year.
- (b) If funds remain available after the awards are made pursuant to paragraph (a) of this subsection, the board shall make an award to other eligible applicants.

Section 6. Procedure for Disbursement of Awards. (1) Disbursement of funds shall be made directly to the recipient.

- (2) Disbursement shall be made annually.
- (3) Each educational institution in which a student receiving a nursing incentive scholarship award is enrolled shall certify to the board no later than thirty (30) days from the beginning of each semester, that the recipient:
 - (a) Has enrolled; and
 - (b) Is in good standing in the nursing program.

Section 7. Continuing Eligibility Criteria. (1) A recipient of a nursing incentive scholarship shall be eligible to continue to receive an award if the recipient:

- (a) Maintains successful academic progression through the program; and
 - (b) Submits to the board a completed "Nursing Incentive Scholarship Fund Application" form by June 1.
- (2) The educational institution shall immediately notify the board of a change in a recipient's enrollment status.
 - (3) An award recipient in a practical nursing program shall not be eligible for further awards from the Nursing Incentive Scholarship Fund while enrolled in that program.

Section 8. Disbursement Contract. (1) Prior to disbursement of initial funds, the recipient shall sign a "Nursing Incentive Scholarship Fund Contract".

- (2) The recipient shall sign a "Nursing Incentive Scholarship Fund Promissory Note" for each year in which funds are disbursed.

Section 9. Repayment and Deferral. (1) A recipient shall immediately become liable to the board to pay the sum of all scholarships received and the accrued interest on the scholarships if the recipient fails to complete the:

(a) Nursing program in which he is enrolled within the time specified by the program of nursing;
or

(b) Required employment as specified in the contract.

(2) Written notification of demand for repayment shall be sent by the board to the scholarship recipient's last known address and shall be effective upon mailing. The board may agree, in its sole discretion, to accept repayment in installments in accordance with a schedule established by the board. Payments shall first be applied to interest and then to principal on the earliest unpaid contracts.

(3) Repayment may be deferred in the case of disability, major illness or accident which prevents a recipient from completing a program of nursing or being employed as a nurse in Kentucky.

(4) A student enrolled in a program of nursing may defer repayment if the student fails to achieve successful academic progression. This deferment shall apply for one (1) academic year. If the student fails to achieve successful academic progression after that time, repayment shall be due. If the student achieves successful academic progression within the allotted time, he may apply for a continuation award pursuant to Section 7 of this administrative regulation.

(5)(a) If a deferment is requested, the recipient shall submit the request to the board on a "Nursing Incentive Scholarship Fund Request for Deferment" form.

(b) If the request for deferment is submitted pursuant to subsection (3) of this section, the form shall be accompanied by a physician's statement.

(6) If a recipient fails to pass the licensure examination within two (2) years of graduation, the sum of all nursing incentive scholarships received by the recipient, and the accrued interest, shall become due and payable.

(7) When a court of competent jurisdiction determines that the recipient has defaulted and the funds are due and owing to the board, then the provisions of 201 KAR 20:370, Section 1(5) shall apply.

(8) An individual who has defaulted on a scholarship shall not be eligible to receive another scholarship until the defaulted scholarship has been repaid.

Section 10. Verification. (1) Verification of employment as a nurse in Kentucky pursuant to the contract shall be submitted to the board when the recipient's employment commitment begins and when it is completed. A termination of employment prior to completion shall be reported to the board within thirty (30) days by the employer and the recipient.

(2) A recipient shall notify the board immediately of a change of name or address or enrollment status in school.

Section 11. Grant Requests. (1) No more than forty (40) percent of available revenues received from fines levied by the Cabinet for Health Services shall be expended for grants in any given year.

(2) The deadline for grant requests shall be May 1 and November 1 annually.

(3) The grant request shall include the following:

(a) A problem statement or purpose related to improving nursing workforce competency;

(b) The proposed workforce development activity and how it has general applicability to the entire nursing workforce in the state;

(c) The proposed timelines and outcomes;

(d) The outcome measurement criteria to be used;

(e) The amount requested with a supporting budget;

(f) Any matching or in kind budget contributions to be received; and

(g) The preferred funding cycle of either all funds given initially or partial funds given initially and the remainder at specified intervals.

(4) The following are the reporting requirements for grants that are funded:

(a) An initial report shall be submitted to the board six (6) months following funding or at the

midpoint of the grant timeline if that is sooner than six (6) months from the funding date or as directed by the board.

(b) Interim reports shall be submitted at six (6) month intervals or as required by the board for the duration of the project funded.

(c) A final report shall be submitted to the board within three (3) months of completion of the project. The final report shall document outcome achievements and their relationship to the funds spent.

(5) Any money that is unused for the purpose of the grant shall be returned to the fund, unless otherwise directed by the board.

Section 12. Incorporation by Reference. (1) The following forms are incorporated by reference:

(a) "Nursing Incentive Scholarship Fund Application (12/01)";

(b) "Nursing Incentive Scholarship Fund Request for Deferral (10/96)";

(c) "Nursing Incentive Scholarship Fund Contract (10/96)"; and

(d) "Nursing Incentive Scholarship Fund Promissory Note (10/96)".

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, Monday through Friday, 8:30 a.m. to 4:30 p.m. (17 Ky.R. 2082; Am. 2428; eff. 2-7-91; 18 Ky.R. 2874; eff. 5-1-92; 20 Ky.R. 387; eff. 10-13-93; 21 Ky.R. 484; 1028; eff. 9-21-94; 23 Ky.R. 2534; 3006; eff. 2-19-97; 24 Ky.R. 1116; 1502; eff. 1-12-98; 26 Ky.R. 1411; 1680; eff. 2-16-2000; 27 Ky.R. 2554; eff. 5-14-01; 1680; 2015; eff. 3-14-02; 29 Ky.R. 1304; eff. 1-15-03; 30 Ky.R. 389; eff. 10-15-03; 32 Ky.R. 299; **eff. 10-19-05.**)

201 KAR 20:411. Sexual Assault Nurse Examiner Program standards and credential requirements.

RELATES TO: KRS 314.142

STATUTORY AUTHORITY: KRS 314.131(1), 314.142(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.142(1) requires the board to promulgate administrative regulations to create a Sexual Assault Nurse Examiner Program. This administrative regulation establishes the requirements relating to a sexual assault nurse examiner course and the credentials of a sexual assault nurse examiner.

Section 1. Definition. "SANE course" means a formal, organized course of instruction that is designed to prepare a registered nurse to perform forensic evaluation of a sexual assault victim fourteen (14) years of age or older and to promote and preserve the victim's biological, psychological and social health.

Section 2. SANE Course Approval Application. On the form "Application for Initial or Continued SANE Course Approval", the applicant for approval of a SANE course shall submit evidence of:

(1) Nurse administrator of SANE course. A registered nurse, with current, active Kentucky licensure, a baccalaureate or higher degree in nursing, and experience in adult and nursing education shall be administratively responsible for assessment, planning, development, implementation, and evaluation of the SANE course.

(2) Faculty qualifications. The course shall be taught by multidisciplinary faculty with documented expertise in the subject matter. The name, title and credentials identifying the educational and professional qualifications for each instructor shall be provided.

(3) Course syllabus. The syllabus shall include:

(a) Course prerequisites, requirements and fees.

(b) Course outcomes. The outcomes shall provide statements of observable competencies, which when taken as a whole, present a clear description of the entry level behaviors to be achieved by the learner.

(c) Unit objectives. Individual unit objectives shall be stated in operational or behavioral terms with supportive content identified.

(d) Content. The content shall be described in detailed outline format with corresponding lesson plans and time frame. The content shall be related to, and consistent with, the unit objectives, and support achievement of expected course outcomes.

1. The SANE course shall include:

a. A minimum of forty (40) hours of didactic instruction pursuant to subparagraph 3 of this paragraph; and

b. The clinical practice experience required by subparagraph 2 of this paragraph.

2. Clinical practice. The clinical portion of the course shall be a minimum of sixty (60) hours and shall include:

a. Supervised detailed genital inspection, speculum examination, visualization techniques and equipment - twenty six (26) hours.

b. Supervised mock sexual assault history taking and examination techniques with evaluation - ten (10) hours.

c. Observing relevant civil or criminal trials, meeting with Commonwealth Attorney, or similar legal experience - sixteen (16) hours.

d. Meeting with rape crisis victim advocate or mental health professional with expertise in the treatment of sexual assault individuals - four (4) hours.

e. Meeting with members of law enforcement - four (4) hours.

3. The didactic portion of the course shall include instruction in the following topics related to fo-

rensic evaluation of individuals reporting sexual assault:

- a. The role and responsibilities of a sexual assault nurse examiner, health care professional, rape crisis, law enforcement and judicial system personnel;
- b. Application of the statewide medical protocol relating to the forensic and medical examination of individuals reporting sexual assault pursuant to KRS 216B.400(2);
- c. Principles and techniques of evidence identification, collection, evaluation, preservation and chain of custody;
- d. Assessment of injuries, including injuries of forensic significance;
- e. Physician consultation and referral;
- f. Medicolegal documentation;
- g. Victim's bill of rights, KRS 421.500 through 421.550;
- h. Crisis intervention;
- i. Dynamics of sexual assault;
- j. Testifying in court;
- k. Overview of the criminal justice system and related legal issues;
- l. Available community resources including rape crisis centers;
- m. Historical development of forensic nursing conceptual model;
- n. Cultural diversity and special populations;
- o. Ethics;
- p. Genital anatomy, normal variances and development stages;
- q. Health care implications and interventions; and
- r. Developing policies and procedures.

(e) Teaching methods. The activities of both instructor and learner shall be specified in relation to content outline. These activities shall be congruent with stated course objectives and content, and reflect application of adult learning principles.

(f) Evaluation. There shall be clearly defined methods for evaluating the learner's achievement of course outcomes. There shall also be a process for annual course evaluation by students, providers, faculty, and administration.

(g) Instructional or reference materials. All required instructional materials and reference materials shall be identified.

(4) Completion requirements. Requirements for successful completion of the SANE course shall be clearly specified and shall include demonstration of clinical competency. A statement of policy regarding a candidate who fails to successfully complete the course shall be included.

Section 3. (1) Contact hour credit for continuing education. The SANE course shall be approved for contact hour credit which may be applied to licensure requirements.

(2) Approval period. Board approval for a SANE course shall be granted for a four (4) year period.

(3) Records shall be maintained for a period of five (5) years, including the following:

- (a) Provider name, date and site of the course; and
- (b) Participant roster, with a minimum of names, Social Security numbers and license numbers.

(4) A participant shall receive a certificate of completion that documents the following:

- (a) Name of participant;
- (b) Title of course, date and location;
- (c) Provider's name; and
- (d) Name and signature of authorized provider representative.

Section 4. Continued Board Approval of a SANE Course. (1) An application for continued approval of a SANE course shall be submitted at least three (3) months prior to the end of the current approval period.

(2) A SANE course syllabus shall be submitted with the "Application for Initial or Continued SANE Course Approval".

(3) Continued approval shall be based on the past approval period performance and compliance with board standards.

Section 5. The board may deny, revoke or suspend the approval status of a SANE course for cause.

Section 6. Appeal. If a SANE course administrator is dissatisfied with a board decision concerning approval and wishes a review of the decision, the following procedure shall be followed:

(1) A written request for the review shall be filed with the board within thirty (30) days after the date of notification of the board action which the SANE course administrator contests.

(2) The board, or its designee, shall conduct a review in which the SANE course administrator may appear in person and with counsel to present reasons why the board's decision should be set aside or modified.

Section 7. Requirements for Sexual Assault Nurse Examiner (SANE) Credential. (1) The applicant for the SANE credential shall:

(a) Hold a current, active registered nurse license in Kentucky;

(b) Have completed a board approved SANE educational course or a comparable course. The board or its designee shall evaluate the applicant's course to determine its course comparability. The board or its designee shall advise an applicant if the course is not comparable and specify what additional components shall be completed to allow the applicant to be credentialed;

(c) If the applicant has completed a comparable course, complete that portion of a SANE course of at least five (5) hours which shall include those topics specified in Section 2(3)(d)3a, b, c, g, k, and l of this administrative regulation if not included in the comparable course. The Office of the Attorney General may offer in cooperation with a board approved continuing education provider a course of at least five (5) hours to include those topics specified in this paragraph;

(d) Complete the "Application for SANE Credential"; and

(e) Pay the fee established in 201 KAR 20:240.

(2) Upon completion of the application process, the board shall issue the SANE credential for a period ending October 31.

Section 8. Renewal. (1) To renew the SANE credential for the next period, each sexual assault nurse examiner shall complete at least five (5) contact hours of continuing education related to the role of the sexual assault nurse examiner within each continuing education earning period. A provider of a board approved SANE course may offer continuing education related to the role of the sexual assault nurse examiner.

(2) Upon completion of the required continuing education, completion of the "SANE Renewal Application" and payment of the fee established in 201 KAR 20:240, the SANE credential shall be renewed at the same time the registered nurse license is renewed.

(3) The five (5) contact hours may count toward the required contact hours of continuing education for renewal of the registered nurse license.

(4) Failure to meet the five (5) contact hour continuing education requirement shall cause the SANE credential to lapse.

Section 9. Reinstatement. (1) If the SANE credential has lapsed for a period of less than four (4) consecutive registered nurse licensure periods, the individual may reinstate the credential by:

(a) Submitting the "Application for SANE Credential";

(b) Paying the fee established in 201 KAR 20:240; and

(c) Submitting evidence of earning the continuing education requirement for the number of registered nurse licensure periods since the SANE credential lapsed.

(2) If the SANE credential has lapsed for more than four (4) consecutive licensure periods, the nurse shall complete a SANE course prior to reinstatement.

Section 10. The board shall obtain input from the Sexual Assault Response Team Advisory Committee concerning any proposed amendment to this administrative regulation as follows:

(1) The board shall send a draft copy of any proposed amendment to the co-chairs of the Sexual Assault Response Team Advisory Committee prior to adoption by the board;

(2) The board shall request that comments on the proposed amendment be forwarded to the board's designated staff person within ninety (90) days; and

(3) At the conclusion of that time period or upon receipt of comments, whichever is sooner, the board, at its next regularly-scheduled meeting, shall consider the comments.

Section 11. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Initial or Continued SANE Course Approval" (6/97), Kentucky Board of Nursing;

(b) "Application for SANE Credential" 10/2002, Kentucky Board of Nursing; and

(c) "SANE Renewal Application" 8/2004, 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 40222-5172, Monday through Friday, 8:30 a.m. to 4:30 p.m. (24 Ky.R. 425; Am. 859; eff. 10-13-97; 26 Ky.R. 1443; 1682; eff. 2-16-2000; 29 Ky.R. 2948; eff. 8-13-03; 30 Ky.R. 1958; eff. 4-12-04; 31 Ky.R. 806; eff. 1-4-05; 32 Ky.R. 301; **eff. 10-19-05.**)

201 KAR 20:480. Licensure of graduates of foreign nursing schools.

RELATES TO: KRS 314.041, 314.051

STATUTORY AUTHORITY: KRS 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations to implement the provisions of KRS 314.011 to 314.991. KRS 314.041 and 314.051 authorize the board to issue a license to a graduate of a foreign nursing school. This administrative regulation establishes the requirements for the licensure of graduates of foreign nursing schools.

Section 1. Applicants for Licensure by Examination. (1) An applicant for licensure by examination who is a graduate of a foreign nursing school shall meet the requirements of 201 KAR 20:070, Section 1, except for Section 1(3) of that administrative regulation.

(2) If licensed in another country, or in a jurisdiction or territory governed by the United States, evidence shall be submitted by the applicant or an organization on behalf of the applicant that the license has not been revoked, suspended, probated, or otherwise disciplined in the licensing country.

(3) An applicant shall maintain proof of legal permanent or temporary residency under the laws and regulations of the United States.

(4)(a) An applicant for licensure as a registered nurse or a licensed practical nurse shall obtain a VisaScreen Certificate issued by the International Commission on Healthcare Professions, a division of the Commission on Graduates of Foreign Nursing Schools.

(b) If an applicant chooses to take the NCLEX for the VisaScreen, he shall notify the board in writing of that choice.

(5) An applicant for licensure by examination may be made eligible to take the NCLEX examination prior to obtaining a Social Security number. However, the applicant shall not be licensed until he provides a social security number.

Section 2. Applicants for Licensure by Endorsement. (1) An applicant for licensure by endorsement who is a graduate of a foreign nursing school shall meet the requirements established in 201 KAR 20:110.

(2) A graduate of a foreign nursing school who is not a citizen of the United States shall maintain evidence of legal permanent or temporary residency in the United States.

(3)(a) An applicant for licensure as a registered nurse shall obtain a VisaScreen Certificate issued by the International Commission on Healthcare Professions, a division of the Commission on Graduates of Foreign Nursing Schools.

(b) An applicant for licensure as a licensed practical nurse shall obtain a VisaScreen Certificate issued by the International Commission on Healthcare Professions, a division of the Commission on Graduates of Foreign Nursing Schools. (30 Ky.R. 511; Am. 849; eff. 10-15-2003; 32 Ky.R. 303; **eff. 10-19-05.**)

**Chapter 314
Kentucky Administrative Regulations
Kentucky Board of Nursing**

201 KAR	TITLE:	EFFECTIVE/REVISION DATES:						
20:056	Advanced registered nurse practitioner registration	8/6/93	8/4/94	7/9/98	11/17/00	4/11/03	8/24/04	10/19/05
20:057	Scope and standards of practice of ARNPs	08/04/94	9/20/95	6/18/97	11/17/00	4/11/03	08/13/03	10/19/05
20:070	Licensure by examination	03/14/02	10/15/02	04/11/03	10/15/03	02/16/04	02/22/05	10/19/05
20:085	Licensure periods	9/8/82	6/4/85	2/15/95	01/04/05			
20:095	Retired nurse license status* *title chg 2005	02/17/93	11/17/00	10/16/02	10/15/03	08/24/04	01/04/05	10/19/05
20:110	Licensure by endorsement	11/17/00	10/17/01	03/14/02	10/16/02	10/15/03	02/22/05	10/19/05
20:161	Investigation and disposition of complaints	6/4/85	11/6/87	8/5/88	10/14/88	4/11/91	8/6/93	10/19/05
20:162	Procedure for disciplinary hearings	8/13/85	11/6/87	4/11/91	8/6/93	9/20/95	4/13/98	10/17/01
20:200	Definitions for mandatory CE	10/1/80	3/31/84	6/4/85	7/4/92			
20:215	Continuing Competency requirements* *title chg 2002	12/21/00	09/10/01	10/16/02	04/11/03	05/24/04	01/04/05	01/06/06
20:220	Provider approval	11/06/87	07/04/92	03/19/97	12/21/00	09/10/01	08/13/03	10/19/05
20:225	Reinstatement of licensure	11/17/00	10/17/01	10/16/02	10/15/03	08/24/04	01/04/05	10/19/05
20:230	Renewal of license	6/4/85	11/6/87	2/17/93	3/19/97	9/10/01	01/04/05	
20:235	The prevention of transmission of HIV & HBV by nurses	9/3/93						
20:240	Fees for applications and services	03/07/96	10/15/97	11/18/98	2/16/00	12/21/00	10/17/01	01/04/05

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20:250	Definitions/ RN-LPN prelicensure programs of nursing	6/4/85	2/17/93					
20:260	Organization & administration standards for prelicensure programs of nursing	6/4/85	8/6/93	11/18/98	11/17/00			
20:270	Programs of nursing surveys	6/4/85	11/6/87					
20:280	Standards for prelicensure RN/LPN programs	6/4/85	01/15/03					
20:290	Standards for prelicensure RN/LPN extension programs	6/4/85	11/6/87					
20:300	Standards for prelicensure experimental programs of nursing	6/4/85						
20:310	Faculty for prelicensure RN/LPN programs	7/9/85	11/6/87	3/8/90	9/14/90	2/17/93	4/11/03	
20:320	Standards for curriculum of prelicensure RN programs	6/4/85	11/6/87	08/20/03				
20:330	Standards for curriculum of prelicensure LPN programs	6/4/85	11/6/87	3/10/89	08/20/03			
20:340	Students in prelicensure RN/LPN programs	6/4/85						
20:350	Education facilities and resources for prelicensure RN/LPN programs	6/4/85						

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20:360	Evaluation of prelicensure RN/LPN programs	6/4/85	11/6/87					
20:370	Applications for licensure and registration	04/12/99	05/10/00	10/17/01	01/15/03	10/15/03	01/04/05	10/19/05
20:380	Standards for refresher course approval	11/6/87						
20:390	Nursing Incentive Scholarship Fund	02/19/97	01/12/98	02/16/00	05/15/01	03/14/02	01/15/03	10/15/03
20:400	Delegation of nursing tasks to unlicensed persons	1/27/93	5/19/99	08/13/03				
20:410	Expungement of records	9/20/95	01/15/03					
20:411	Sexual Assault Nurse Examiner program standards and credential requirements	9/17/97	2/16/00	08/13/03	04/12/04	01/04/05	10/19/05	
20:420	Determination of death by RN employed by an ambulance service	8/16/99						
20:430	Discontinuance of resuscitation by a RN employed by an ambulance service	8/16/99						
20:440	Training of RNs employed by an ambulance service in determination of death and discontinuance of resuscitation	8/16/99						
20:450	Alternative Program	11/17/00	9/10/01	08/13/03				

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20:460	Declaratory rulings	6/8/01						
20:470	Dialysis tech credentialing requirements & training program standards	10/17/01	08/13/03	02/22/05				
20:480	Licensure of grads of foreign nursing schools	10/15/03	10/19/05					
20:490	Licensed practical nurse intravenous therapy scope of practice.	9/15/04						