

STATEMENT OF EMERGENCY

201 KAR 20:225E

(1) Nature of the emergency: Governor Beshear has declared a State of Emergency due to the COVID19 pandemic per Executive Order 2020-215.

(2) An ordinary administrative regulation is not sufficient due to the immediacy of the need for nurses.

(3) An ordinary administrative regulation will not be filed with the Regulations Compiler because these measures are meant to be temporary and in effect only for the duration of the State of Emergency.



Andy Beshear, Governor



Dina Byers, President
Kentucky Board of Nursing

1 GENERAL GOVERNMENT CABINET

2 Board of Nursing

3 (Emergency Administrative Regulation)

4 201 KAR 20:225E. Reinstatement of license.

5 RELATES TO: KRS 164.772, 194A.540, 314.041(11), 314.042(6), 314.051(11), 314.071, 314.073,
6 314.075, 314.085(1), 314.091, 314.103, 314.109

7 STATUTORY AUTHORITY: KRS 314.103, 314.131(1)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing
9 to promulgate administrative regulations to implement the provisions of KRS 314.011 to 314.991. KRS
10 314.103 authorizes the board to require a criminal background check investigation of an applicant or nurse.
11 KRS 314.041(11), 314.042(6), and 314.051(11) allow a person whose license has lapsed due to failure to
12 renew to be able to reinstate the license. KRS 314.091 authorizes the board to discipline a licensee for a
13 violation of KRS Chapter 314 or 201 KAR Chapter 20. This administrative regulation establishes
14 procedures for reinstatement of a license that has lapsed or has been subject to disciplinary action.

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

17 (a) Submit a completed and timely application for renewal;

18 (b) Submit data required to enable the board to complete the processing of an application;

19 (c) Submit the current application fee; or

20 (d) Meet all requirements for renewal of a license, in accordance with KRS 314.071.

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

- 1 (a) Submitting a completed application form required by 201 KAR 20:370, Section 1(1)(a) or (c);
- 2 (b) Paying the current application fee required by 201 KAR 20:240, Section 1(2)(g) or (l);
- 3 (c) Submitting a criminal record check completed within six (6) months of the date of the application
- 4 by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) using the
- 5 FBI Applicant Fingerprint Card, and including payment of any required fee of the KSP and the FBI;
- 6 (d) Submitting a certified or attested copy of the court record of any misdemeanor or felony
- 7 conviction as required by 201 KAR 20:370, Section 1(3);
- 8 (e) Submitting a letter of explanation that addresses each conviction, if applicable;
- 9 (f) Submitting a certified copy of any disciplinary action taken on a nursing or other professional or
- 10 business license in another jurisdiction with a letter of explanation or a report if there is any disciplinary
- 11 action pending on a nursing or other professional or business license in another jurisdiction; and
- 12 (g) Meeting all other requirements of this section.

13 ~~(3)(a) If an individual applies for reinstatement of a lapsed license to active status, the applicant~~
14 ~~shall complete fourteen (14) contact hours of continuing education for each year since the date of last~~
15 ~~active licensure, if the date of last active licensure is within five (5) years of the application for~~
16 ~~reinstatement, but more than one (1) year from the date of last active licensure.~~

17 ~~1. Fourteen (14) hours of continuing education shall have been earned within twelve (12) months of the~~
18 ~~date of the application.~~

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

21 ~~(b) If an applicant has not been engaged in nursing practice during the five (5) years preceding the date of~~
22 ~~the application, the applicant shall complete at least 120 contact hours of continuing education earned~~
23 ~~within one (1) year of the date of the application.~~

1 ~~(c) An individual may use the continuing competency methods set out in 201 KAR 20:215, Section 3, for~~
2 ~~reinstatement if that individual allowed the license to lapse and applies for reinstatement of a lapsed license~~
3 ~~within one (1) year from the date of lapse.~~

4 ~~(d) Continuing competency used for reinstatement pursuant to paragraph (c) of this subsection shall not be~~
5 ~~used for renewal of the license.~~

6 ~~(4)(a) If the applicant has been currently licensed and actively engaged in nursing practice in another~~
7 ~~jurisdiction for at least 500 hours during the preceding five (5) years, the requirements of subsection (3) of~~
8 ~~this section shall not apply.~~

9 ~~(b) The applicant shall submit evidence to verify active practice.~~

10 ~~(5) In addition to the requirements of this administrative regulation, an applicant whose license has lapsed~~
11 ~~for one (1) year or more shall submit evidence of completion of the jurisprudence examination required by~~
12 ~~KRS 314.041(11) for registered nurses and KRS 314.051(11) for licensed practical nurses as approved by~~
13 ~~the board.~~

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

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

17 (b) Paying the current application fee required by 201 KAR 20:240, Section 1(2)(g) or (l);

18 (c) Meeting the terms of the disciplinary order; and

19 (d) Retaking the licensure examination and achieving a passing score.

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

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

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

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

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

10 (5)(a) If a license has been probated and the individual has allowed the license to expire prior to
11 the end of the probationary period, and the individual later applies for reinstatement, the license shall be
12 reinstated subject to the remaining probationary period.

13 (b) The individual shall comply with all requirements for reinstatement, in accordance with KRS
14 314.071.

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

17 1. KRS 314.085(1) because of a person's failure to obtain an evaluation and the person
18 subsequently obtains the evaluation;

19 2. KRS 314.075 because of a person's submission of a bad check and the person subsequently
20 makes the check good; or

21 3. KRS 164.772 because of a notice from the Kentucky Higher Education Assistance Authority that
22 a person is in default on a student loan and the Kentucky Higher Education Assistance Authority
23 subsequently notifies the board that the person is no longer in default.

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

4 Section 3. Miscellaneous Requirements. (1)(a) A copy of an official name change document shall
5 be submitted by the applicant if making application, if applicable.

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

- 7 1. Court order;
- 8 2. Marriage certificate;
- 9 3. Divorce decree; or
- 10 4. Social Security card.

11 (2) An individual whose license lapsed, was suspended, or voluntarily surrendered prior to July 15,
12 1996 shall earn three (3) hours of continuing education in domestic violence within three (3) years of
13 reinstatement of the license as required by KRS 194A.540.

14 (3) An individual who holds a nursing license that was revoked by disciplinary order of the board
15 prior to December 31, 1987 shall meet all requirements of Section 2 of this administrative regulation except
16 Section 2(1)(d) of this administrative regulation.

17 (4) An individual whose license lapsed, was suspended, or voluntarily surrendered prior to July 15,
18 2010 shall earn one and one-half (1.5) hours of continuing education in pediatric abusive head trauma as
19 required by KRS 314.073(6) within three (3) years of reinstatement of the license.

20 Section 4. Temporary work permit. (1) The board shall issue a temporary work permit to an
21 applicant who meets the requirements of section 1(2) of this administrative regulation except for subsection
22 (2)(c), unless the application is denied pursuant to KRS 314.091 or 201 KAR 20:161.

23 (2) The temporary work permit shall be issued for six (6) months and may be reissued.

- 1 (3) Prior to issuing a license, the applicant shall obtain a criminal record check pursuant to section
- 2 1(2)(c) of this administrative regulation.

Emergency Administrative Regulation

201 KAR 20:225E. Reinstatement of license.

Adopted: March 26, 2020.



Dina Byers, President
Kentucky Board of Nursing

3/26/2020

Date

**REGULATORY IMPACT ANALYSIS
AND TIERING STATEMENT**

Administrative Regulation No. 201 KAR 20:225E. Reinstatement of license.

Agency Contact Person: Morgan Ransdell, Morgan.Ransdell@ky.gov, (502) 429-3339

(1) Provide a brief summary of:

(a) What this administrative regulation does: This emergency administrative regulation creates a temporary work permit for nurses applying for reinstatement. At this time, applicants cannot obtain a criminal record check from the State Police or the FBI. This will allow them to work as a nurse during the State of Emergency without the criminal record check, which they would obtain before getting a full license. It also eliminates the competency validation mechanism which would present a delay in obtaining a temporary work permit. The elimination of the competency validation mechanism would only be for the duration of the State of Emergency.

(b) The necessity of this administrative regulation: This emergency administrative regulation is necessary because of the State of Emergency declared by the Governor and the need for nurses.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by providing for the ability of a nurse applying for reinstatement to work as a nurse.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by providing for the ability of a nurse applying for reinstatement to work as a nurse.

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

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

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

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

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

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Nurses applying for reinstatement of a license, number unknown.

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

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

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The reinstatement fee is \$135.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will be able to work as a nurse.

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

(a) Initially: There is no additional cost.

(b) On a continuing basis: There is no additional cost.

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

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is needed.

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

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not applied as the changes apply to all equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 201 KAR 20:225E
Contact Person: Morgan Ransdell
Email address: Morgan.Ransdell@ky.gov
Phone number: (502) 429-3339

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

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314.131.

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? No additional cost.

(d) How much will it cost to administer this program for subsequent years? No additional cost.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation: