



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2021-913
December 9, 2021

STATE OF EMERGENCY RELATING TO NURSING SHORTAGE

The Commonwealth and the nation are experiencing nursing shortages. In a September 1, 2021 letter to the Secretary of the Department of Health and Human Services, the American Nurses Association (“ANA”) referred to “a crisis-level human resource shortage of nurses that puts our ability to care for patients in jeopardy.”

Although the shortage predates the pandemic, COVID-19 has exacerbated the problem. The ANA is “deeply concerned that this severe shortage of nurses, especially in areas experiencing high number of COVID-19 cases, will have long-term repercussions for the profession, the entire health care delivery system, and ultimately on the health of the nation.” Accordingly, in order “[t]o address this crisis and to ensure that we have a strong nursing workforce for the future,” the ANA has urged the declaration of a “national nurse staffing crisis” along with the immediate development and implementation of short- and long-term solutions.

Like the nation at large, the Commonwealth of Kentucky is experiencing a dire nursing shortage. The Kentucky Nurses Association (“KNA”) has indicated that the Commonwealth is operating 12%-20% short of the needed nursing volume. In fact, during the pandemic the Kentucky Hospital Association called on all licensed nurses, including those retired or no longer in the industry, to assist hospitals. Furthermore, at the rate of projected exodus from the nursing profession, Kentucky will need more than 16,000 additional nurses by 2024. Notably, an October 2021 survey conducted by the KNA found that in a sample of more than 800 nurses, 1 in 4 responded that it would be likely that they would leave their jobs in the next three months.

Kentucky’s nursing shortage in the midst of a once-in-a-century global pandemic is nothing short of an emergency. The ANA states that “real solutions” to the crisis include



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“[a]ddressing the persistent barriers that limit the number of qualified nursing students that can be educated each year.” Increasing enrollment in Kentucky nursing schools that meet the criteria for such increases is crucial to addressing the nursing shortage and providing quality healthcare to our citizens.

NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of authority vested in me under the Constitution of Kentucky and KRS Chapter 39A, do hereby declare that a State of Emergency exists relating to the nursing shortage in the Commonwealth and Order and Direct the following:

1. Kentucky Board of Nursing and Board staff shall approve a request for increased enrollment beyond the enrollment baseline for any prelicensure program of nursing that demonstrates that the program has sufficient resources to fulfill the standards established in 201 KAR 20:260 Section 3(2)(b). The Board of Nursing and Board staff shall approve a request under this paragraph within 30 days of receiving the request, and neither the Board nor Board staff shall have discretion in approving a request upon determining that a program of nursing has demonstrated it has sufficient resources to fulfill the standards established in 201 KAR 20:260 Section 3(2)(b).
2. The current nursing shortage in the Commonwealth during the global pandemic constitutes “exigent circumstances” within the meaning of 201 KAR 20:260 Section 3(2)(a), such that the two-month time frame for written requests to increase enrollment shall not apply to any request for increased enrollment beyond the enrollment baseline for any prelicensure program of nursing.
3. All nursing programs shall compile a list of needed faculty to reach full enrollment and provide that list to the Kentucky Board of Nursing, the Office of the Governor, and the Council on Postsecondary Education within 30 days of this Executive Order.
4. A prelicensure program of nursing with no vacancy for student applicants shall refer student applicants to a prelicensure program of nursing with vacancies for student applicants.



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5. All prelicensure programs of nursing in the Commonwealth of Kentucky shall report their vacancies on a monthly basis to the Board of Nursing, which shall compile the list of vacancies and publish it on its website.
6. The Kentucky Board of Nursing shall recognize as having the privilege to practice in the Commonwealth any nurse who has met the criteria to practice nursing in another state pursuant to KRS 314.101(1)(a). Such a nurse shall be subject to the jurisdiction of the Board under KRS 314.099.
7. The Kentucky Board of Nursing shall develop, improve and/or promote programs that increase the number of individuals who may work in health care facilities, including, but not limited to, students enrolled in a program of nursing.
8. New campuses opened for educating nursing students by existing institutions, alone or as a joint venture, shall be considered a matter of increased enrollment, not new programs of nursing, and therefore must comply only with the requirements for increasing enrollment under the relevant regulations.
9. Pursuant to KRS 12.029, the Team Kentucky Nursing Advisory Committee is hereby created and attached to the Office of the Governor for administrative purposes.
 - A. The Committee shall submit written recommendations to the Governor for addressing the nursing shortage in Kentucky within 90 days of this Executive Order.
 - B. The Committee shall be appointed by the Governor and composed of the following 12 members that have relevant experience in education, health care and nursing:
 - i. Two (2) representatives from nursing programs of public universities within the Commonwealth of Kentucky other than the Kentucky Community and Technical College System, to be appointed by the Governor;
 - ii. Two (2) representatives from nursing programs of non-public educational institutions within the



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Commonwealth of Kentucky, to be appointed by the Governor;

- iii. One (1) representative from nursing programs of the Kentucky Community and Technical College System, to be appointed by the Governor;
- iv. Two (2) representatives from the Kentucky Board of Nursing, to be appointed by the Governor;
- v. One (1) representative from the Kentucky Nurses Association, to be appointed by the Governor;
- vi. One (1) representative from LeadingAge Kentucky, to be appointed by the Governor;
- vii. One (1) representative from the Kentucky Rural Health Association, to be appointed by the Governor;
- viii. One (1) representative from an urban hospital system, to be appointed by the Governor; and
- ix. One (1) representative from a rural hospital system, to be appointed by the Governor.

A handwritten signature in cursive script that reads "Andy Beshear".

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State