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REGULATIONS COMPILER

GENERAL GOVERNMENT CABINET

Board of Nursing

(New Administrative Regulation)

201 KAR 20:710. Determination of License Eligibility (for those convicted of a crime).

RELATES TO: KRS Chapter 13B, Chapter 335B, KRS 314.091(1)(b), 314.091(8), 314.137, 314.161, 314.404

STATUTORY AUTHORITY: KRS 314.131(1), 314.091(8), 314.137, 314.161, 314.404, 335B.030

CERTIFICATION STATEMENT: : This certifies that this administrative regulation complies with the requirements of KRS 13A.105(2)(a, d) because this regulation will not have a major economic impact and is necessary to Is necessary to meet a deadline that is established state law.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.020 requires the Board of Nursing to implement a process by which an individual who has been convicted of a crime can obtain a determination regarding whether the conviction will disqualify the individual from either public agency employment or professional licensure. KRS 314.091(1)(b) and (c) provide that the board shall have the power to deny any license or credential to practice nursing issued by the board or applied for in accordance with KRS Chapter 314 or to deny admission to the licensure examination, upon proof that the person has been convicted of any felony or a misdemeanor, in accordance with KRS Chapter 335B, and pursuant to an administrative hearing conducted in

accordance with KRS Chapter 13B. KRS 314.404 and KRS 314.137 provide the board with the same authority regarding Licensed Certified Professional Midwives and Dialysis Technicians. KRS 314.091(8) authorizes the board, by administrative regulation, to provide for the recovery of costs of an administrative hearing. This administrative regulation establishes procedures for the determination of employment or licensure/credential eligibility for prospective applicants with a criminal conviction.

Section 1. Application: (1) To be considered for determination, an applicant shall submit:

(a) A completed and signed determination application;

(b) A non-refundable application fee of twenty-five (25) dollars.

(2) The applicant may submit with the application evidence in accordance with KRS 335B.020(2).

Section 2. Notice of determination of eligibility and right to administrative hearing:

(1) A notice of determination of eligibility shall be issued via email and USPS regular mail to the last known mailing and email addresses of the applicant within sixty (60) days of the filing of the completed application for determination.

(2) The applicant may challenge the determination of ineligibility by requesting and administrative hearing pursuant to KRS 335B.030(1)(a)(2), within fifteen (15) working days of the issuance of the notice of determination to the last known mailing and email addresses of the applicant. The notice shall further state:

(a) The applicant may challenge the determination of ineligibility by requesting an administrative hearing pursuant to KRS 335B.030(1)(a)(2);

(b) If a hearing is not requested in accordance with KRS 31B.050(1)(a)(2), the determination shall remain in effect for a period of one (1) year from (10) working days after service of the notice of determination. The applicant may not reapply during that period.

(c) A request for hearing shall be sent by email to the hearing officer and docket coordinator identified in the notice of determination of ineligibility.

(d) If the written request for hearing is timely submitted, the board shall issue a notice of hearing in accordance with KRS 13B.050(1);

(e) Any new or previously submitted evidence relied upon by the applicant shall be submitted upon reapplication; and

(f) If the final order of the board is adverse to an applicant, the board may impose hearing costs upon the applicant pursuant to 201 KAR 20:162, Section 7.

Section 3. Incorporation by Reference. (1) “Application for Determination", 10/2026, 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 40222-5172, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board’s website at https://kbn.ky.gov/document-library/Pages/default.aspx.

New Administrative Regulation

201 KAR 20:710. Determination of License Eligibility (for those convicted of a crime).

Adopted: October 22, 2026

Audria Denker, DNP, RN, FAADN

Audria Denker, President
Kentucky Board of Nursing

October 22, 2026
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on January 26, 2027, at 10:00 AM at Kentucky Board of Nursing, 312 Whittington Parkway, Ste 300, Louisville, KY 40222. Individuals interested in being heard at this hearing shall notify this agency in writing by January 19, 2027, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through January 31, 2027. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person or submit a comment at: https://secure.kentucky.gov/formservices/Nursing/PendReg.

CONTACT PERSON:
Jeffrey R. Prather, General Counsel
Kentucky Board of Nursing
312 Whittington Parkway, Suite 300
Louisville, KY 40222
(502) 338-2851
Jeffrey.Prather@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 20:710
Contact Person: Jeffrey Prather
Phone: (502) 338-2851
Email: Jeffrey.prather@ky.gov

Subject Headings:

(1) Provide a brief summary of:

(a) What this administrative regulation does: The regulation implements a process by which an individual who has been convicted of a crime can obtain a determination regarding whether the conviction will disqualify the individual from either public agency employment or professional licensure.

(b) The necessity of this administrative regulation: It is necessitated by KRS Chapter 335B.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation sets standards for an individual who has been convicted of a crime to obtain a determination regarding whether the conviction will disqualify the individual from either public agency employment or professional licensure.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By providing a determination process.

(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: This is a new regulation, necessitated by KRS Chapter 335B.

(b) The necessity of the amendment to this administrative regulation: This is a new regulation, necessitated by KRS Chapter 335B.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new regulation, necessitated by KRS Chapter 335B.

(d) How the amendment will assist in the effective administration of the statutes: This is a new regulation, necessitated by KRS Chapter 335B.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. This is a new regulation, necessitated by amendments to KRS Chapter 335B, pass by the general assembly in Regular Session 2026, House Bill 185.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Individuals considering with convictions considering licensure or employment by the Kentucky Board of Nursing. Number unknown.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have

to take to comply with this administrative regulation or amendment: Individuals who are seeking a determination will need to submit a completed and signed determination application, a non-refundable application fee; and any evidence in accordance with KRS 335B.020(2).

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The application will cost the applicant $25.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The applicant will have a written determination regarding whether the applicant's criminal history will disqualify the applicant from licensure or employment. If the determination is appealed, it will be subject to a hearing under 201 KAR 20:162, KRS Chapter 13B, and judicial review in circuit court.

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

(a) Initially: No cost.

(b) On a continuing basis: No cost.

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

(8) 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 new funding is required; however, a $25 fee will be assessed to review the determination application.

(9) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: There will be a $25 application fee, in accordance with KRS 314.161 and KRS 314.091(1)(b). If an applicant is determined to be ineligible and requests a hearing, the applicant may be responsible for the hearing costs if the decision at the hearing is adverse to the applicant pursuant to KRS 314.091(8) and 201 KAR 20:162, Section 7.

(10) TIERING: Is tiering applied? Tiering is not applied.

FISCAL IMPACT STATEMENT

201 KAR 20:710
Contact Person: Jeffrey R. Prather
Phone: (502) 338-2851
Email: Jeffrey.prather@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 314.131 and 314.161, and 335B.030.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 314.131 and 314.161; KRS Chapter 335B

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Nursing

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:
   For the first year: None.
   For subsequent years: None.
2. Revenues:
   For the first year: None.
   For subsequent years: None.
3. Cost Savings:
   For the first year: None.
   For subsequent years: None.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:
   For the first year: None.
   For subsequent years: None.
2. Revenues:
   For the first year: None.
   For subsequent years: None.
3. Cost Savings:
   For the first year: None.
   For subsequent years: None.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Individuals seeking a determination of eligibility for licensure or employment.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: None.
For subsequent years: None.

2. Revenues:

For the first year: None.
For subsequent years: None.

3. Cost Savings:

For the first year: None.
For subsequent years: None.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: There will not be a fiscal impact on the entities.

(b) Methodology and resources used to reach this conclusion: None.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): There will not be a major economic impact.

(b) The methodology and resources used to reach this conclusion: No applicable.

Summary of Material Incorporated by Reference

201 KAR 20:710. Determination of License Eligibility (for those convicted of a crime).

Summary of Material Incorporated by Reference

(1) “Application for Determination", 10/2026, attached herewith, 2 pages.

Application for Determination

Individuals with criminal history have the option of seeking determination that the applicant is not disqualified from a position of public employment with the Board or an occupation for which a professional license or credential issued by the Board due to criminal history. See, KRS Chapter 335B.010-034, and 201 KAR 20:162.

Required responses on the following application are indicated by an asterisk ("*").

1. Professional License/Credential Sought*:
2. First Name*:
3. Middle Name*:
4. Last Name*:
5. Street Address*:
6. City*:
7. State*:
8. ZIP Code*:
9. Phone Number:
10. Email Address:
11. Date of Birth:
12. Social Security Number:

13. Criminal History: (For each separate criminal offense, please provide the name of the offense(s), as well as the county and date of each conviction):

_____

_____

_____

_____

14. Statement regarding nature and seriousness of the crime:

_____

_____

_____

_____

15. Statement about the relationship between the conviction(s) to the occupation at issue:

_____

_____

_____

16. Summary of evidence of rehabilitation:

_____

_____

_____

_____

APPLICANT'S ACKNOWLEDGMENT AND AFFIDAVIT

I, the undersigned applicant, below acknowledge and affirm the following:

1. I am seeking a determination as to whether my criminal history disqualifies me from a position of public employment with the Board or an occupation for which a professional license or credential issued by the Board due to criminal history.
2. I am the person referred to in the foregoing application that I personally completed, or, if assisted by another, that I specifically directed all the entries and responses herein, that all statements contained herein and on all attachments are complete, true and accurate in every respect to the best of my knowledge, and that I have read and understand this application and all requirements stated herein.
3. If I become aware of any errors, omissions, or needed changes regarding my entries and responses herein, including but not limited to changes to my name and contact information, I will notify board staff in writing within ten (10) days.
4. I understand that failure to provide complete and accurate responses including the truthfulness and accuracy of this attestation, may render any resulting determination of eligibility non-binding.
5. I understand that each Application for Predetermination shall be submitted online via the KBN website and shall be accompanied by online payment of a non-refundable application fee of $25.

Signature of Applicant*_____Date_____