

1 GENERAL GOVERNMENT CABINET

2 Board of Nursing

3 (New Administrative Regulation)

4 201 KAR 20:067. Professional standards for medicinal cannabis.

5 RELATES TO: KRS 218B.010, 218B.015, 218B.050, 218B.080, 314.011, 314.042, 314.085, 314.089,  
6 314.091.

7 STATUTORY AUTHORITY: KRS 218B.010, 218B.015, 218B.050, 218B.080, 314.131.

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131 authorizes the Board to promulgate  
9 administrative regulations to regulate the conduct of its licensees. This administrative regulation  
10 establishes the professional standards for APRNs practicing as a medicinal cannabis practitioner.

11 Section 1. Definitions. (1) "Advanced Practice Registered Nurse" or "APRN" is defined by KRS  
12 314.011(7).

13 (2) "Authorization" means a credential that authorizes the APRN to provide written certifications  
14 under KRS 218B.050 and this administrative regulation.

15 (3) "Bona fide practitioner-patient relationship" is defined by KRS 218B.010(1).

16 (4) "Cabinet" means the Cabinet for Health and Family Services.

17 (5) "Controlled substance" means any Schedule II, III, IV, or V controlled substance and does not  
18 include medicinal cannabis.

19 (6) "Good standing" means a license that at the time of initial application or renewal, is not:

20 (a) Limited, suspended, probated, revoked, or otherwise disciplined;

- 1 (b) Under investigation;
- 2 (c) Subject to monitoring, alternative discipline, or peer assistance; or
- 3 (d) Held by a person who has ever been subject to disciplinary action by any licensing entity, including
- 4 the board of any jurisdiction or the United States Drug Enforcement Administration (DEA) that was
- 5 based, in whole or in part, on the person’s inappropriate prescribing, personally furnishing, dispensing,
- 6 diverting, administering, supplying or selling a controlled substance or other dangerous drug.
- 7 (7) "Medicinal cannabis" is defined by KRS 218B.010(15).
- 8 (8) "Medicinal cannabis practitioner" means an APRN who is holds an authorization under this
- 9 administrative regulation.
- 10 (9) "Minor" means a person less than eighteen (18) years of age.
- 11 (10) "Immediate family member" is defined by 201 KAR 20:057, Section 1(5).
- 12 (11) "Prescription Drug Monitoring Program" or "PDMP" is defined by 201 KAR 20:057, Section 1(11).
- 13 (12) "Qualifying medical condition" is defined by KRS 218B.010(26).
- 14 (13) "Qualified patient" is defined by KRS 218B.010(25).
- 15 (14) "Telehealth" is defined by KRS 211.332(5).
- 16 (15) "Use of medicinal cannabis" is defined by KRS 218B.010(37).
- 17 (16) "Written certification" means a written certification for the use of medicinal cannabis and is
- 18 defined by KRS 218B.010(39).

19 Section 2. Applicability. This administrative regulation does not apply to an APRN who recommends

20 treatment with cannabis or a drug derived from cannabis under any of the following that are approved

21 by an investigational review board or equivalent entity, the United States Food and Drug Administration,

1 or the National Institutes for Health or any of its cooperative groups or centers under the United States

2 Department of Health and Human Services:

3 (1) A research protocol;

4 (2) A clinical trial;

5 (3) An investigational new drug application; or

6 (4) An expanded access submission.

7 Section 3. Eligibility for an authorization. (1) An APRN applicant for an authorization shall meet the  
8 following requirements:

9 (a) Holds an active, unrestricted Kentucky license as an APRN that is in good standing;

10 (b) Has a DEA registration and a current registration certificate is on file with the Board;

11 (c) Has an active account with the PDMP, a current PDMP registration certificate is on file with the  
12 Board;

13 (d) Has not been denied a license to prescribe, possess, dispense, administer, supply, or sell a  
14 controlled substance by the DEA or appropriate issuing body of any state or jurisdiction, based, in whole  
15 or in part, on the applicant's inappropriate prescribing, personally furnishing, dispensing, administering,  
16 supplying or selling a controlled substance or other dangerous drug;

17 (e) Has not held a license issued by the DEA or a state licensing administration in any jurisdiction,  
18 under which the person may prescribe, personally furnish, dispense, possess, administer, supply or sell  
19 a controlled substance, that has ever been restricted, based, in whole or in part, on the applicant's  
20 inappropriate prescribing, dispensing, administering, supplying, or selling a controlled substance or  
21 other dangerous drug;

1 (f) The applicant has not been subject to disciplinary action by any licensing entity that was based, in  
2 whole or in part, on the applicant's inappropriate prescribing, personally furnishing, dispensing,  
3 diverting, administering, supplying or selling a controlled substance or other dangerous drug; and

4 (g) The applicant has completed the continuing education requirements in Section 6 of this  
5 administrative regulation.

6 (h) The applicant has no ownership or investment interest in or compensation agreement with a  
7 cannabis business licensed under KRS Chapter 218B.

8 (2) The Board shall provide the Cabinet with the names of all APRNs authorized to provide written  
9 certifications.

10 (3) An APRN who fails to renew the authorization or is otherwise unable to legally practice as a  
11 registered nurse or APRN shall not practice as or use the title of medicinal cannabis practitioner until an  
12 authorization has been issued by the Board.

13 (4) An APRN shall not provide written certifications unless authorized to do so under this section.

14 (5) It is not within the scope of practice for an APRN to provide written certifications, unless the APRN  
15 is authorized to do so under this section.

16 (6) The Board shall notify the Cabinet immediately with the name of any APRN whose authorization  
17 is lapsed, surrendered, suspended, revoked or otherwise not renewed.

18 Section 4. Procedures for submitting an initial application for authorization. (1) An applicant for a  
19 certificate to recommend medicinal cannabis shall:

20 (a) Submit to the Board an Application for Authorization to Provide Written Certifications for the Use  
21 of Medicinal Cannabis;

22 (b) Submit to the Board a copy of the APRN's DEA registration certificate;

- 1 (c) Submit a copy of the PDMP master account registration certificate to the Board;
- 2 (d) Submit proof of completion of the education requirements in Section 6(1) of this administrative  
3 regulation; and
- 4 (e) Pay a nonrefundable fee of \$100.
- 5 (3) An application shall be considered complete if all the following requirements are met:
- 6 (a) Evidence of all the requirements in subsection (1) of this section are received by the Board; and
- 7 (b) The APRN is not under investigation pursuant to 201 KAR 20:161 of evidence appearing to show  
8 that the applicant has violated KRS 314.091(1).
- 9 (4) Upon receipt of the application:
- 10 (a) The Board shall review all application materials submitted.
- 11 (b) The Board may contact individuals, agencies, or organizations for information about the applicant.  
12 As part of the application process, the Board may request an applicant to appear before the Board to  
13 answer questions or provide additional information.
- 14 (c) An applicant shall not withdraw an application for the authorization to provide written  
15 certifications without the approval of the Board.
- 16 (5) The following processes apply if an application is not complete within (6) six months of the date  
17 the application is received by the Board:
- 18 (a) If the application is not complete because required information or materials have not been  
19 received by the Board, the Board may notify the applicant that it intends to consider the application  
20 abandoned if the application is not completed. If an application is abandoned, the Board may close the  
21 application.

1 1. The notice shall specifically identify the information or materials required to complete the  
2 application and inform the applicant that the information or materials must be received by a specified  
3 date.

4 2. The notice shall also inform the applicant that if the application remains incomplete at the close of  
5 business on the specified date the application may be deemed to be abandoned.

6 3. If all of the information or materials are received by the Board by the specified date and the  
7 application is determined to be complete, the Board shall process the application. The Board may require  
8 updated information, as it deems necessary.

9 (b) If the application is not complete because the Board is investigating the applicant for a violation  
10 of KRS 314.091(1), the Board shall do both of the following:

11 1. Notify the applicant that although otherwise complete, the application shall not be processed  
12 pending completion of the investigation; and

13 2. Upon completion of the investigation and the determination that the applicant is not in violation  
14 of KRS 314.091(1), process the application. The Board may require updated information, as it deems  
15 necessary.

16 (6) Once submitted, the Application for Authorization to Provide Written Certifications for the Use of  
17 Medicinal Cannabis shall follow the periods for length and renewal in accordance with 201 KAR 20:085,  
18 Sections 1 and 2.

19 (7) All supporting documentation required under this section shall be submitted via the KBN Nurse  
20 Portal at <https://kbn.ky.gov>.

21 Section 5. Renewal of the authorization. (1) If the APRN fails to renew the authorization in accordance  
22 with 201 KAR 20:085, Sections 1 and 2, the authorization shall lapse.

1 (2) If the APRN fails to timely renew the authorization, the APRN may reapply as an initial applicant  
2 in accordance with the procedures set forth in Section 4 of this administrative regulation.

3 (3) The authorization may be renewed after an APRN's license to practice is has been renewed or  
4 restored, if the APRN:

5 (a) Meets the requirements in Section 3 of this administrative regulation;

6 (b) Pays a nonrefundable fee of \$100; and

7 (c) Has completed the continuing education requirements in Section 6(2) of this administrative  
8 regulation.

9 (4) All supporting documentation required under this section shall be submitted via the KBN Nurse  
10 Portal at <https://kbn.ky.gov>.

11 Section 6. Continuing Education. (1) An applicant for an initial authorization shall have completed  
12 within the immediate twelve (12) months a one-time requirement of six (6) contact hours within in the  
13 following subjects:

14 (a) Diagnosing qualifying medical conditions;

15 (b) Treating qualifying medical conditions with medicinal cannabis; and

16 (c) The pharmacological characteristics of medicinal cannabis and possible drug interactions.

17 (2) Thereafter, an APRN renewing the authorization shall have obtained during the earning period  
18 three (3) continuing education hours in the subjects listed in subsection (1) of this section.

19 Section 7. Sanctions. (1) The Board may probate, restrict, suspend, revoke, or otherwise discipline an  
20 APRN's license or credential to issue authorizations for violations of KRS 314.091(1), or violations in  
21 accordance with KRS 218B.015(3)(b).

1 (2) An investigation against the APRN under this administrative regulation shall be conducted in  
2 accordance with 201 KAR 20:161.

3 (3) A disciplinary proceeding against the APRN under this administrative regulation shall be conducted  
4 in accordance with KRS 314.091 and 201 KAR 20:162.

5 (4) APRN may be ordered by the Board to undergo a substance use evaluation and be subject to an  
6 immediate temporary suspension, in accordance with KRS 218B.015(4), 314.085, and 314.089.

7 Section 8. Professional Standards of Care for Providing Written Certifications. (1) An APRN authorized  
8 by the Board to provide written certifications may only provide a patient with a written certification after  
9 the APRN:

10 (a) Has established a bona fide practitioner-patient relationship with the patient in an in-person visit  
11 that complies with this administrative regulation and for which there is an expectation that the APRN  
12 will provide a plan of care for the patient;

13 (b) Has diagnosed the patient, or confirmed a diagnosis provided by another medicinal cannabis  
14 practitioner, with a qualifying medical condition for which the medicinal cannabis practitioner believes  
15 that the patient may receive therapeutic or palliative benefit from the use of medicinal cannabis;

16 (c) Has reviewed a report of information from the PDMP related to the patient for a period of time  
17 that covers at least the twelve (12) months immediately preceding the date of the report;

18 (d) Consulted with the patient, or the patient's custodial parent or legal guardian responsible for  
19 providing consent to treatment if the patient is a minor child, with respect to the possible risks and side  
20 effects associated with medicinal cannabis, including possible interactions between medicinal cannabis  
21 and any other drug or medication that the patient is taking at that time; and



1 (e) Obtained the written consent of the patient's custodial parent or legal guardian responsible for  
2 providing consent to treatment, if the patient is a minor child.

3 (2) A bona fide practitioner-patient relationship may be established following a referral from the  
4 patient's primary care provider and may be maintained via telehealth. However, a bona fide practitioner-  
5 patient relationship shall not be established via telehealth.

6 (3)(a) When issuing a written certification to a patient, the APRN shall use the Cabinet's Written  
7 Certification Form in accordance with KRS 218B.050(6);

8 (b) An initial written certification shall be provided during the course of an in-person examination of  
9 the patient by the APRN. Subsequent written certifications, including for the purpose of renewing a  
10 registry identification card, may be provided electronically or during the course of a telehealth  
11 consultation.

12 (c) For the purpose of applying for a registry identification card, a written certification provided under  
13 this section shall:

- 14 1. Be valid for a period of not more than sixty (60) days;
- 15 2. The APRN may renew a written certification for not more than three (3) additional periods of not  
16 more than sixty (60) days each; and
- 17 3. The APRN shall not issue another certification to the patient until an examination of the patient  
18 has been conducted by the APRN.

19 (d) Within twenty-four (24) hours of providing a patient with a written certification, the APRN shall  
20 record the issuance of the written certification in the PDMP.

21 (4) An APRN who provides written certifications shall comply with the professional standards  
22 established in this section.

- 1 (a) Prior to providing a written certification, the APRN shall:
- 2 1. Obtain, review, and record a complete and appropriate evaluation of the patient, which shall
- 3 include:
- 4 a. The patient's name;
- 5 b. Date or dates of office visits or treatments, and responses to treatments;
- 6 c. The patient's medical history, including relevant prescription history and diagnostic results;
- 7 d. The patient's history of drug use, including a documented review of the patient's current
- 8 medication to identify possible drug interactions, including benzodiazepines and opioids;
- 9 e. Based on evidence or behavioral indications of addiction or drug abuse, the APRN shall obtain a
- 10 drug screen on the patient. It is within the APRN's discretion to decide the nature of the screen and
- 11 which type of drug to be screened;
- 12 f. The patient's social and family history;
- 13 g. A physical examination relevant to the current medical condition;
- 14 h. The patient's psychiatric history;
- 15 i. A focused physical examination of the patient relevant to the patient's current medical condition;
- 16 j. Documented review that standard medical treatment has been attempted or considered. If
- 17 standard medical treatment is not attempted, the APRN shall document the reasons that standard
- 18 medical treatment is not appropriate for this patient;
- 19 k. The APRN's diagnosis of the patient's qualifying medical condition; and
- 20 l. If the patient has been previously diagnosed with a qualifying medical condition by a medicinal
- 21 cannabis practitioner, the APRN may confirm the diagnosis if:

1 (i) The APRN obtains a copy of the medical records or a detailed written summary indicating the  
2 diagnosis; and

3 (ii) The APRN is satisfied that those records confirm a diagnosis of a qualifying condition.

4 (iii) The APRN shall maintain a copy of any record or report of any medicinal cannabis practitioner on  
5 which the practitioner relied for purposes of meeting the requirements under this paragraph.

6 (iv) Document a plan to obtain the patient's consent in order to obtain and discuss the patient's prior  
7 medical records within thirty (30) days of initiating treatment. Upon receipt of the medical records, the  
8 APRN shall review and incorporate the information from the records into the evaluation and treatment  
9 of the patient. If the APRN is unable, despite best efforts, to obtain the patient's prior medical records,  
10 the APRN shall document those efforts in the patient's chart.

11 (v) Obtain and review a PDMP report for that patient for the twelve (12) month period immediately  
12 preceding the initial patient encounter and appropriately utilize that information in the evaluation and  
13 treatment of the patient;

14 (vi) Explain treatment alternatives, the risks, and the benefits of medicinal cannabis with the patient;

15 (vii) Obtain written informed consent from the patient for treatment;

16 (viii) Discuss and document the patient's treatment with the patient's other providers;

17 (ix) If the patient is a female of childbearing potential and age, meet the requirements of paragraph  
18 (b) of this subsection.

19 (b) 1. Prior to initiating treatment, the APRN shall require that female patients of childbearing age  
20 submit to a pregnancy test and, if pregnant, the APRN shall provide counseling. The APRN shall document  
21 a patient's decision to decline to take a pregnancy test and the stated rationale for the patient's decision.

1        2. Prior to providing a written certification to a patient who is pregnant or breastfeeding, the APRN  
2 shall document the patient's decision to decline consultation referenced in this subsection, and the  
3 stated rationale for the patient's decision.

4        (5) The written certification shall include a statement from the APRN certifying that:

5        (a) A bona fide practitioner-patient relationship exists between the APRN and patient.

6        (b) The patient has been diagnosed with at least one (1) qualifying medical condition for which the  
7 APRN believes the patient may receive medical, therapeutic, or palliative benefit; and

8        (c) In the APRN's professional medical opinion, the patient may receive medical, therapeutic, or  
9 palliative benefit from the use of medicinal cannabis.

10       (6) An APRN who authorizes a written certification shall be available to provide follow-up care and  
11 treatment to the patient, including physical examinations relevant to the patient's condition to  
12 determine the efficacy of medicinal cannabis in treating the patient's qualifying medical condition. If the  
13 qualifying condition was indicated as a terminal illness in the prior six (6) months, the APRN shall confirm  
14 whether the patient's condition continues to be a terminal illness.

15       (7) The APRN shall terminate or decline to issue a new written certification under any of the following  
16 circumstances:

17       (a) The patient no longer has the diagnosis of, or symptoms of, the qualifying medical condition.

18       (b) The APRN is not authorized to issue a written certification.

19       (c) Based on the APRN's clinical judgement, the patient or caregiver is abusing or diverting medicinal  
20 cannabis.

21       (d) The patient is deceased.

1 (8) The APRN shall notify the Cabinet in writing within thirty (30) days the name of any patient for  
2 whom the APRN has terminated or declined to issue a written certification.

3 (9) The records required for the recommendation for a written certification may be kept with the  
4 patient's other medical records and shall be retained for at least five (5) years following the last office  
5 visit by the patient.

6 (10) An APRN medicinal cannabis practitioner shall not:

7 (a) Dispense medicinal cannabis; or

8 (b) Provide a written certification to an immediate family member or for himself or herself.

9 Section 9. Documented Deviation from Professional Standards for Providing Written Certifications. If  
10 an APRN is unable to conform to professional standards for providing written certifications set forth in  
11 this administrative regulation due to circumstances beyond the APRN's control, or the APRN makes a  
12 professional determination that it is not appropriate to comply with a specific standard, based upon the  
13 individual facts applicable to a specific patient's diagnosis and treatment, the APRN shall document those  
14 circumstances in the patient's record and only provide a written certification to the patient if the patient  
15 record appropriately justifies the providing of a written certification under the circumstances.

16 Section 10. Material Incorporated by reference. (1) "Application for Authorization to Provide Written  
17 Certifications for the Use of Medicinal Cannabis", 09/2023.

18 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the  
19 Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, Monday  
20 through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Board's Web site at  
21 <https://kbn.ky.gov/General/Pages/Document-Library.aspx>.

New Administrative Regulation

201 KAR 20:067. Professional standards for medicinal cannabis.

Adopted: September 7, 2023.

*Audria Denker, DNP, RN, FAAN*

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Audria Denker, President  
Kentucky Board of Nursing

September 7, 2023

Date

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on November 21, 2023 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 November 14, 2023, 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 November 30, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

### 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

Or submit a comment at:

<https://secure.kentucky.gov/formservices/Nursing/PendReg>

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 20:067

Contact Person: Jeffrey Prather

Phone: (502) 338-2851

Email: Jeffrey.prather@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the credentialing, continuing education requirements, sanctions, and professional standards for APRNs authorized to practice as medicinal cannabis practitioners.

(b) The necessity of this administrative regulation: It is necessary to promulgate this regulation to establish standards for APRNs authorized to practice as medicinal cannabis practitioners in the Commonwealth of Kentucky pursuant to KRS Chapter 218B.

(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 setting standards.

(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 setting standards for APRNs authorized to practice as medicinal cannabis practitioners.

(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.

(b) The necessity of the amendment to this administrative regulation: This is a new regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation may affect APRNs with a Drug Enforcement Administration (DEA) registration, at this time, approximately 2300

(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: No action is required. The APRNs that wish to be authorized to practice as medicinal cannabis practitioners will have to submit an application, provide documentation or otherwise complete the credentialing



requirements, and pay a fee.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): If an APRN wishes to be authorized to practice as a medicinal cannabis practitioner there will be a \$100 initial fee, as well as a \$100 renewal fee each licensure period.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The APRN will be authorized to practice as a medicinal cannabis practitioner.

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

(a) Initially: No additional cost, beyond staff processing of authorization applications.

(b) On a continuing basis: No additional cost, beyond staff processing of authorization applications.

(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: An increase in fees is not required; however, new fees are established.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: An initial and renewal fee is established. The fee for each \$100.

(9) TIERING: Is tiering applied? Tiering is not applied because all applicants are in the same class and treated the same.

FISCAL NOTE

201 KAR 20:067

Contact Person: Jeffrey Prather

Phone: (502) 338-2851

Email: Jeffrey.prather@ky.gov

(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? 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 and KRS Chapter 218B.

(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:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? None.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? None.

(c) How much will it cost the regulated entities for the first year? The initial application fee is \$100.

(d) How much will it cost the regulated entities for subsequent years? The annual renewal application fee is \$100.

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

Cost Savings (+/-):  
Expenditures (+/-):  
Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. *"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]* This administrative regulation will not have a major economic impact.

**Summary of Material Incorporated by Reference**

**201 KAR 20:067. Professional standards for medicinal cannabis.**

**Summary of Material Incorporated by Reference**

(a) “Application for Authorization to Provide Written Certifications for the Use of Medicinal Cannabis”, 09/2023, Kentucky Board of Nursing. This is a one (1) page application. The material incorporated by reference is the online application to be completed by the APRN who is seeking authorization from the Board to issue to patients certifications for the use of medicinal cannabis. The application process is authorized by KRS 281B.050, which states in pertinent part,

(1) . . . [An] advanced practice registered nurse who is authorized to prescribe controlled substances under KRS 314.042 seeking to provide written certifications for the use of medicinal cannabis shall apply to the same state licensing board that issued his or her professional practice license, on a form prescribed by the state licensing board, for authorization to provide written certifications for the use of medicinal cannabis.

(2) (a) A state licensing board shall approve an application for authorization to provide written certifications for the use of medicinal cannabis if the application is complete and meets the requirements established in administrative regulations promulgated by the state licensing board.

(b) A state licensing board shall not authorize an application for authorization to provide written certifications for the use of medicinal cannabis if the applicant has an ownership or investment interest in or compensation agreement with a cannabis business licensed under this chapter. A state licensing board may consult with the cabinet to determine if an applicant has an ownership or investment interest in or compensation agreement with a cannabis business.

. . .

(10) The state licensing boards shall . . . (a) No later than July 1, 2024, promulgate administrative regulations in accordance with KRS Chapter 13A to establish:

1. Procedures for applying for authorization to provide written certifications;
2. The conditions that must be met to be eligible for authorization to provide written certifications;
3. The process and procedures for renewing authorization to provide written certifications;
4. Continuing education requirements for medicinal cannabis practitioners who are authorized to provide written certifications . . . .

**Kentucky Board of Nursing**

312 Whittington Parkway, Suite 300 Louisville, KY 40222-5172

License Application Type

Application Type:

General Information - Demographic Information

Salutation:  
Full Legal Name Required:  
Maiden Name:  
**Identifying information**  
What is your Gender?  
What is your Race? (Please select All that apply):  
Are you of Hispanic or Latino origin?  
**Contact Information**  
Physical / Residential address  
Mailing address  
Phone number  
Are you a U.S. Citizen?

Required Documentation

- I have a Drug Enforcement Administration registration and a current registration certificate is on file with the board.
- I have an active account with the current electronic Prescription Drug Monitoring Program (PDMP) system for monitoring scheduled controlled substances and medicinal cannabis currently in use in Kentucky pursuant to KRS 218A.202.

Eligibility Questions

1. Has any licensing or regulatory authority in any state(s) / jurisdiction(s), other than KBN, EVER denied, limited suspended, probated, revoked, or otherwise discipline your nursing or other professional license/certification or your privilege to practice?  
If "Yes", has this been previously reported to KBN? Provide State, Year and Type
2. Do you have a current investigation pending on your nursing license, other professional license/certification or your privilege to practice in any state(s)/jurisdiction(s) other than with KBN?  
If "Yes", has this been previously reported to KBN? Provide State, Year and Type
3. You shall report ALL felony convictions\* and provide certified court records and a detailed letter of explanation. Have you EVER been convicted of a felony?  
If "Yes", has this been previously reported to KBN? Provide State, Year and Type
4. You shall report ALL misdemeanor convictions\* and provide certified court records and a detailed letter of explanation. Have you EVER been convicted of a misdemeanor including DUI's  
If "Yes", has this been previously reported to KBN? Provide State, Year and Type
  - if the conviction\* (including DUI's) is less than five years old, you shall provide certified court records and a detailed letter of explanation.
  - if the conviction \* (including DUI's) is more than 5 years old, no additional documentation is required unless requested by KBN.
5. Are you currently a participant in a state board/designee monitoring program including alternative to discipline, diversion or a peer assistance program other than KBN  
If "Yes", has this been previously reported to KBN? Provide State, Year and Type

\* Convictions include conditional discharge, a guilty plea pursuant to pretrial diversion, pleading no contest, nolo contendere or entered an Alford plea. KRS 314.011 (21) If you have more than two felony or misdemeanor convictions, please list each the conviction and state and year separately.

**Responsibility and Accountability**  
All licensed nurses practicing in Kentucky must adhere to the Kentucky Nursing Laws and regulations: Kentucky Revised Statutes (KRS) Chapter 314, and Kentucky Administrative Regulations (KAR) Chapter 20, Title 201. They may be found at <https://apps.legislature.ky.gov>.  
**KRS 314.021(2):** All individuals licensed under provisions of this chapter shall be responsible and accountable for making decisions that are based upon the individual's educational preparation and experience in nursing and shall practice nursing with reasonable skill and safety.  
**KRS 314.031(1):** It is "unlawful for any person to call or hold herself or himself out as or use the title of nurse or to practice or offer to practice as a nurse unless licensed or privileged under the provisions of this chapter."  
**201 KAR 20:067, Section 6:** The applicant shall meet all of the applicable continuing education course earning requirements.

Attestation Statement

I attest that I meet all of the eligibility requirements in 201 KAR 20:067, Section 3, to be authorized to provide written certifications for the use of medicinal cannabis, including:

- I have not been denied a license or had a license restricted by the DEA or appropriate issuing body of any state or jurisdiction, based, in whole or in part, on the applicant's inappropriate prescribing, personally furnishing, dispensing, administering, supplying or selling a controlled substance or other dangerous drug;
- I have not been subject to disciplinary action by any licensing entity that was based, in whole or in part, on the applicant's inappropriate prescribing, personally furnishing, dispensing, diverting, administering, supplying or selling a controlled substance or other dangerous drug; and
- I have no ownership or investment interest in, or compensation agreement with, a cannabis business. See KRS Chapter 218B.