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KENTUCKY BOARD OF NURSING

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Andy Beshear
Governor

MEMORANDUM

TO: All Licensees and Applicants for Licensure

FROM: Kentucky Board of Nursing

RE: Modification of 201 KAR 20:225, 201 KAR 20:470 and 201 KAR 20:620 to Allow Path to Licensure for Reinstatement Applicants, Dialysis Technicians, and Licensed Certified Professional Midwives During COVID19 State of Emergency

DATE: August 26, 2020

The Governor signed Executive Order 2020-243 on March 18, 2020, and Executive Order 2020-257 on March 25, 2020, in regard to the COVID-19 State of Emergency. On March 30, 2020, the Governor signed Senate Bill 150 (2020) into law. Section 13 of this bill and these Executive Orders authorize the Kentucky Board of Nursing to modify statutory and regulatory provisions, where appropriate, to eliminate barriers to licensure caused by social distancing requirements and to ensure the continuation of Board support of Life-Sustaining Businesses. Consistent with this authority, the Kentucky Board of Nursing has temporarily modified 201 KAR 20:225, 201 KAR 20:470 and 201 KAR 20:620 as follows, for the duration of the COVID19 State of Emergency, to allow an expeditious pathway to temporary licensure notwithstanding delays in obtaining fingerprint-driven criminal background reports.

201 KAR 20:225 (Reinstatement of License)

201 KAR 20:225 §1(3) [Delete entire subsection (3) of §1, to suspend continuing education requirements applicable to

reinstatement applicants with a lapsed license. This revision does not affect continuing education requirements applicable to licensee under a disciplinary sanction.]

201 KAR 20:225 §2(6)(a)3 [Delete entire subsection 3 of §2(6)(a), which references KRS 164.772, a statute repealed 2019 related to compliance with Kentucky Higher Education Assistance Authority student loan repayment. See, 2019 Ky. Acts ch. 6, sec. 5.]

201 KAR 20:225 §4 [Insert the following additional text as a new section: "Temporary work permit. (1) The board shall issue a temporary work permit to an applicant who meets the requirements of section 1(2) of this administrative regulation except for subsection (2)(c), unless the application is denied pursuant to KRS 314.091 or 201 KAR 20:161. (2) The temporary work permit shall be issued for six (6) months and may be reissued. (3) Prior to issuing a license, the applicant shall obtain a criminal record check pursuant to section 1(2)(c) of this administrative regulation."]

201 KAR 20:470 (Dialysis Technician Credentialing Requirements and Training Program Standards)

201 KAR 20:470 §4(6) [Insert the following additional text as a new subsection (6) of §4: "Temporary Work Permit. (1)(a) An applicant seeking reinstatement of a dialysis technician credential who meets all of the requirements of subsections (1) and (2) of this section, except for subsection (1)(c), (d), and (e) or subsection (2)(e), (f), and (g) of this section, shall be issued a temporary work permit, unless reinstatement of the credential is denied or restricted in accordance with Section 2(6) and Section 6 of this administrative regulation. (b) The temporary work permit shall be issued for six (6) months and may be reissued."]

201 KAR 20:620 (Licensing Requirements for Licensed Certified Professional Midwives)

201 KAR 20:620 §10 [Insert the additional text as a new section: "Temporary Work Permit. (1) The board shall issue a temporary work permit to an LCPM applicant for initial licensure who meets the requirements for initial licensure in

> Sections 1 through 4, Subsection 5(2), and Section 6 of this regulation."]
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> 201 KAR 20:620 §9(5) [Insert the following additional text as a new subsection (5) of §9: "(a) The board shall issue a temporary work permit to an applicant who meets all requirements for reinstatement set forth in this Section, except the requirement specified at §5(1) of this regulation, unless the application is denied pursuant to 201 KAR 20:630. (2) The temporary work permit shall be issued for six (6) months and may be reissued. (3) Prior to issuing a license, the applicant shall obtain a criminal record check pursuant to section 1(2)(c) of this administrative regulation."]

The temporary work permits described above shall expire six (6) months from the date of issuance; however, if the COVID19 State of Emergency is ongoing six (6) months from now, the temporary work permit may be extended for an additional six (6) months. Also, as the cessation of the COVID19 State of Emergency will likely occur unexpectedly, a thirty (30) day grace period will be granted upon notification of the cessation of the State of Emergency. A fingerprint card/scan, FBI report, and proof of certification from a national certifying body will still will be required as a condition of full licensure or credentialing pursuant to: 201 KAR 20:225, 201 KAR 20:470, and 201 KAR 20:620.

Jessica Wilson

Jessica L. Wilson, PhD, APRN
President
Kentucky Board of Nursing
Dated: August 20, 2020

J. Michael Brown
Secretary of the Executive Cabinet
Commonwealth of Kentucky
Dated: August 26, 2020