license on file.” A CAPA-CS may be rescinded by either the APRN or the physician. When a CAPA-CS is rescinded, KBN must be notified, using the “CAPA-CS Rescission” form located on the KBN web site.

For more information on the CAPA-CS requirements, go to http://kbn.ky.gov/apply/pages/APRN/aprn.aspx

Beginning with the renewal of an APRN license in 2016, 1.5 hours of the 5 hours of required pharmacology for APRNs must be in pain management, addiction disorders or the use of KASPER.

**ATTESTATION OF KBN DOCUMENTS**

Attestation statements appear at the end of all KBN applications for licensure and other KBN forms. The attestation statement is a confirmation that the information provided is truthful and accurate.

Be sure to read the attestation carefully. The individual whose name is on the application or form is accountable for all information the document contains and for understanding the additional information contained within the attestation statement itself. Accountability extends not only for the purpose for filing the form, but may also be compared to information provided on other forms filed with KBN.

Allowing another party to complete and submit a KBN form does not relieve the nurse or applicant of the accountability for incorrect or inadequate information provided and may be the basis for disciplinary action for falsification of a Board of Nursing form. Each individual nurse or applicant should complete all forms and applications submitted to KBN himself/herself.

**CURRENT ADDRESS**

Kentucky Nursing Laws require nurses to notify the Board of a change of address within thirty days of the change. Address changes made from the KBN web site update the Board’s data base in real time. A change of address may also be mailed to the Board office. An address change form is located on the KBN web site.

---

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Under Kentucky law, an Advanced Practice Registered Nurse ("APRN") may order, administer, prescribe, and dispense noncontrolled legend drugs samples to a patient, provided that the APRN does so pursuant to applicable law, within his or her scope, and in a manner consistent with applicable practice standards. It is important to note that ordering, prescribing, administering, and dispensing are distinct concepts. A prescriber, such as an APRN with an active license, is a person with prescriptive authority as defined by KRS 314.011(8), KRS 314.042(8-10), KRS 217.015(35), and KRS 315.010(21). A prescriber may “order” the direct administration of a drug to a patient to address a legitimate medical need, provided that the order falls within the prescribing practitioner’s scope of professional practice. See, KRS 314.011(8) and 315.010(24). “Administration” is defined as preparing, giving directly to the patient, and evaluating the effectiveness of prescription and non-prescription drugs. “Prescribing” is the act of providing written instructions to a pharmacist authorizing the dispensing of a prescription drug by a patient. “Dispensing” is the preparation, packaging, labeling, record keeping, and transfer of a prescription drug to a patient, or to an intermediary who is responsible for administration of the drug. Kentucky law expressly prohibits nurses from dispensing any and all controlled substances; however, dispensing noncontrolled legend drugs is permitted in the situations described below.

There are only two narrow situations in which nurses may dispense noncontrolled legend drugs in the Commonwealth. First, Kentucky APRNs may dispense noncontrolled legend drug samples from pharmaceutical manufacturers to a patient at no charge to the patient or any other party. See, 21 U.S.C. § 353 and KRS 314.011(17)(a). For ease of reference, drug samples that meet all of these requirements are referred to herein as “legend drug samples.” Second, a Kentucky Registered Nurse (“RN”) may dispense noncontrolled legend drugs from a local, district, and independent health department to a patient, subject to the direction of the appropriate governing board of the individual health department, pursuant to specific direction from a prescriber. See, KRS 314.011(6)(c) (1) and 314.011(17)(b). This article focuses on legend drug samples, and does not address the dispensing of noncontrolled legend drugs from a health department.

A legal opinion on the Board’s website titled, Dispensing By Nurses, specifically addresses an APRN’s ability to delegate aspects of task of dispensing legend drug samples. See, http://kbn.ky.gov/legalopinions, KRS 314.011(6)(d), KBN Advisory Opinion Statement #15 - Supervision and Delegation (Rev. 10/2014). It is not within the scope of RN or LPN practice to independently choose and/or order the administration of a drug, or prescribe a drug. This is true for either over the counter or prescription drugs. RNs and LPNs may implement an order, standing order, or protocol related to the administration or dispensing of a legend drug sample. When RNs and LPNs perform these
tasks, they should appropriately document their actions.

Governing laws and regulations are very specific with regard to what constitutes a legend drug sample. Legend drug samples must be either obtained by: (1) the prescriber from a pharmaceutical manufacturer or the manufacturer’s authorized distributor, representative, or detailer; or (2) delivered directly from the manufacturer or the manufacturer’s authorized distributor, representative, or detailer to the patient pursuant to a written request from the prescriber. See, 21 C.F.R. § 203.3(h) and § 203.31. One notable exception to the foregoing rule allows charitable institutions to receive legend drug samples from a prescriber or another charitable institution. See, 21 C.F.R. § 203.39. Legend drug samples are required to be individually packaged, marked with lot numbers, and labeled as samples by the manufacturer. See, 21 C.F.R. § 203.38. Drug manufacturers and their agents must comply with detailed reporting and record-keeping requirements related to drug samples, as well as storage and handling requirements. See, 21 C.F.R. § 203.60 and 21 C.F.R. § 203.32. In summary, all aspects related to the manufacturing, packaging, and delivery of drug samples to prescribers or patients are heavily regulated by the U.S. Food and Drug Administration. See, 21 C.F.R. § 203.34.

APRNs may not purchase legend drugs in bulk from a manufacturer, wholesaler or retailer, repackaging them in smaller quantities, calling the repackaged drugs “samples,” and then dispense them to patients free of charge. Federal laws, namely the Prescription Drug Marketing Act of 1987 and the Prescription Drug Amendments of 1992, narrowly define a legend drug sample as a drug that may not be sold, purchased, traded, broken, or opened. The legislative intent behind the federal provisions relating to drug samples was to allow drugs packaged and labeled as samples by a manufacturer to be given to patients for free to promote the sale of the drug. See, 21 U.S.C.A. § 353. The federal definition of a “sample unit” means a packet, card, blister pack, bottle, container, or other single package comprised of one or more dosage units of a prescription drug sample, intended by the manufacturer or distributor to be provided by a licensed practitioner to a patient in an unbroken or unopened condition. See, 21 C.F.R. § 203.3(i). Put simply, only a manufacturer or a manufacturer’s authorized distributor, representative, or detailer may create a legend drug sample. A drug that was at any point sold, purchased, traded, broken, or opened cannot subsequently be a drug sample as referenced in KRS 314.011(17)(a). This is true in all practice settings, including free clinics, charitable settings, and places where medical care is provided to homeless persons.

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Studies completed by a Kentucky Board of Pharmacy task force on E-prescribing and numerous evidence based studies have shown E-prescribing errors are at an all-time high! Out of 130 errors collected over one week, the most common errors included: a wrong drug, wrong/unclear directions, two sets of directions, and a day supply to quantity mismatch. The result of these errors translates into lost productivity time for both prescribers and pharmacists, as 64.7% of errors had to be clarified by the prescriber or one of their staff, and 32% of errors took anywhere from 15 minutes to 1 hour to correct.

To help address this issue, the Kentucky Board of Pharmacy has convened an E-prescribing committee (which includes the Kentucky Boards of Medicine and Nursing) that is looking for solutions to prevent E-prescribing errors and ultimately decrease the rate of errors. E-prescribing accuracy and efficiency can be improved by implementing the following safeguards into your practices:

1) Usage of EHR messaging systems to resolve prescription errors in a timely manner.
   a. RxChange messages allow a pharmacist to request a change in a prescription
   b. A prescription can be cancelled by using the CancelRx message type.
i. Pharmacists and providers should contact their computer vendors to determine if the CancelRx message is available to them, and if so, to turn on the CancelRx message. Contact your EHR system provider to activate a final check feature—also known as a summary screen—on all prescriptions, not just those for controlled substances.

2) Retrain employees to use the electronic prescribing system, thus increasing accuracy.

3) Include diagnosis, height, and weight on each E-prescription for ease of pharmacist therapeutic and safety checks.

4) Make suggestions to the National Council for Prescription Drug Programs (NCPDP) about how to improve electronic prescribing at http://dms.ncpdp.org/

---

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In order to comply with the requirements of the laws and regulations related to prescriptive authority for APRNs, the following algorithm will assist licensees with the steps of the process and meeting the requirements for notification of the Board of Nursing.

**STEPS FOR PRESCRIPTIVE AUTHORITY**

**Nonscheduled Legend Drugs**

- Complete **“Common CAPA-NS”** form
- Obtain CAPA-NS with MD in Same or Similar Specialty
- Notify KBN APRN Licensure Coordinator of CAPA-NS by **“Notification of CAPA-NS…”” form**
- Notify KBN APRN Licensure Coordinator by using **“Discontinuation of CAPA-NS After 4 Years”**

**Controlled Substances**

- Complete **CAPA-CS Agreement Template**
- Obtain CAPA-CS with MD in Same or Similar Specialty
- Obtain **DEA Registration**
- Register with **KASPER**
- Notify KBN Licensure Coordinator of CAPA-CS by **“Notification of CAPA-CS ….”.form**
- Run Reverse KASPER quarterly/PRN to evaluate personal prescribing trends and possible errors.
- Submit **“Rescission of CAPA-CS” form** when changing jobs, discontinuing relationship with collaborating MD.

**UPDATE ON COMPREHENSIVE ADDICTION AND RECOVERY ACT (CARA)**

Federal legislation entitled “Comprehensive Addiction and Recovery Act (CARA)” was signed into law on July 22, 2016 by President Obama. Included in the new law is a provision that would allow APRNs to prescribe Suboxone® (buprenorphine) for medically assisted treatment; however, prior to prescribing buprenorphine for the treatment of addiction, specific criteria (yet to be fully established) must be met. For example, completion of educational training addressing various topics will be required of the prescriber.

Until such time (up to eighteen months) that the Secretary of Health and Human Services (HHS) convenes a task force to develop best practices and establishes the guidelines for prescribing, (which will likely be communicated through the Federal Register), the state of Kentucky and the Kentucky Board of Nursing have no information to guide interested APRN licensees. Information will be made available to KY APRNs when guidance is received from the federal government. For additional information, please contact the Drug Enforcement Agency (DEA) at 1-800-882-9539 (8:30 am-5:50 pm ET) or HYPERLINK “mailto:DEA.Registration.Help@usdoj.gov”DEA.Registration.Help@usdoj.gov
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HIGHLIGHTS OF BOARD ACTIONS

August 11, 2016

FINANCIAL OFFICER’S REPORT
The Financial Officer report was discussed and accepted.

EXECUTIVE DIRECTOR’S REPORT
The written Report of the Executive Director was presented and included information on Administrative Staff; Office Suite Update; Committee and Council Annual Reports, Proposed Revision to 201 KAR 20:411, Sexual Assault Nurse Examiner Program Standards and Credential Requirements; Kentucky Board of Medical Imaging and Radiation Therapy Meeting; 2014 Harold (Hal) Rogers Prescription Drug Monitoring Program Grant Kentucky Injury Prevention and Research Center (KIPRC); Ethics and Boundaries Assessment Services (EBAS) Agency Orientation Workshop Report; KBN Licensee Data Transfer and Establishment of a KY Core Data Set for Healthcare Professionals; Legal Matters; Administrative Regulation Information; License, Registration and Credential Statistical Reports; Investigation Data; Compliance Data; Sex Offender Registry; Presentations and Conferences Report; approved Agreed Orders, Consent Decrees, and Removals from Probation. The Board accepted the Executive Directors’ Report and the following actions were taken:

Accepted the 2015-2016 Annual Reports for the following Committees and Councils:
- Practice Committee
- Education Committee
- Consumer Protection Committee
- Governance Committee
- Advanced Practice Registered Nurse Council
- Controlled Substances Formulary Committee

Proposed Revision to 201 KAR 20:411 Sexual Assault Nurse Examiner Program Standards and Credential Requirements • Approved the revisions to 201 KAR 20:411 Sexual Assault Nurse Examiner Program Standards and Credential Requirements.

KY Board of Medical Imaging and Radiation Therapy Meeting (KBMIRT)
- Directed that a work group of KBN and KBMIRT staff be convened to explore options for further clarification of the educational preparation of APRNs in the performance of fluoroscopic guided procedures.

EDUCATION COMMITTEE
The Education Committee Meeting Report was held June 16, 2016. The Board accepted the Meeting Report and the following action was taken:

Galen College, Louisville, ADN Program Letter of Intent to Open a Secondary Site • Approved the Letter of Intent, dated May 20, 2016, from Galen College of Nursing, Louisville, KY, to establish an Associate Degree Nursing Program Secondary Site in Hazard, KY.
- Directed that the request of Galen College of Nursing’s plan to establish an Associate Degree Nursing Program Secondary Site in Hazard, KY be moved to the Proposal Phase to Meet the Requirements of 201 KAR 20:290 Sections 4 and 5.

CREDENTIALS REVIEW PANEL
The Report of the Credentials Review Panel Meetings held June 11, 2016 and July 15, 2016 were presented. The Board accepted the Report and no actions were taken.

DISCIPLINARY ACTION
- Approved 53 (fifty-three) Recommended Orders, as written, and received reports on the approval of 19 (nineteen) Agreed Orders, 44 (forty-four) Consent Decrees, and 10 (ten) Removal of Licenses from Probation.

Baptist Health Madisonville is recruiting Registered Nurses

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Interested candidates may apply at BaptistHealthMadisonville.com
Nurses House, Inc. is a national 501(c)3 organization assisting registered nurses in need. Nurses House assists RN’s with basic necessary expenses such as food, rent/mortgage and medical bills. If you, or a nurse you know, are in need of assistance due to a health crisis or other dire situation, visit the Nurses House website or call today for more information.

Nurses House relies on donations from nurses, the nursing community and others who care. Please call or visit the website to learn how you can help.

518-456-7858 x125  www.nurseshouse.org
The KBN website at www.kbn.ky.gov provides extensive information on our licensure process, programs and organization. The website is organized with the menu list of topics down the left side of the screen. Click on the menu topic of your interest for more information. The left side-menu will expand with additional topic information to assist you.

In addition to the KBN website, the KBN staff are available to answer your questions Monday-Friday, excluding state holidays, from 8:30am to 4:30pm ET. Please use the subject list below to identify the appropriate contact for your question.

<table>
<thead>
<tr>
<th>NURSES</th>
<th><strong>Renewal of Kentucky Nursing License</strong></th>
</tr>
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<tbody>
<tr>
<td></td>
<td><strong>Annual Renewal Period is September 15 - October 31</strong></td>
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<tr>
<td>RN/LPN Renewal</td>
<td>502-429-3332</td>
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<td>APRN Renewal</td>
<td>502-429-3329</td>
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<td>Military Renewal</td>
<td>502-429-3331</td>
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<td>SANE Renewal</td>
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<th>Licensure</th>
<th><strong>RN/LPN Examination Applications</strong></th>
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<td><strong>RN/LPN Endorsement Applications</strong></td>
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<td><strong>RN/LPN Reinstatement Applications</strong></td>
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<td><strong>Sexual Assault Nurse Examiner (SANE) Credential Applications</strong></td>
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<td><strong>Foreign Educated Nurse Licensure</strong></td>
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<tr>
<th>Other Licensing Questions</th>
<th><strong>NURSE AIDES:</strong></th>
<th>502-429-3346</th>
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<tr>
<td>APRN/RN/LPN Name and Address Change</td>
<td>KY Nurse Aide Registry</td>
<td>(all CNA and SRNA questions)</td>
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<td>NLCA Compact License Questions</td>
<td>502-429-3329</td>
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<td>Transcript Requests</td>
<td>502-429-3332</td>
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<td>Reporting a Deceased Nurse</td>
<td>502-429-3332</td>
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<tr>
<td>Retiring a RN/LPN License</td>
<td>502-429-3330</td>
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<tr>
<th>Verifications of Licensure to another State Board:</th>
<th><strong>DIALYSIS TECHNICIANS</strong></th>
<th>502-429-7180</th>
</tr>
</thead>
<tbody>
<tr>
<td>RN/LPN Verifications (visit <a href="http://www.nursys.com">www.nursys.com</a> to request verification)</td>
<td><strong>GENERAL</strong></td>
<td>502-429-3343</td>
</tr>
<tr>
<td>APRN License Verifications</td>
<td>Main KBN Office Phone</td>
<td>502-429-3300</td>
</tr>
</tbody>
</table>

**Consumer Protection**
- **Complaint Against a Nurse**
  - (or submit online at www.kbn.ky.gov) 502-429-3314
- **Reporting Criminal Convictions Investigations**
  - 502-429-3314
- **Kentucky Alternative Recovery**
  - Effort for Nurses (KARE) 502-429-3313
- **Probation Compliance and KARE Program**
  - 502-429-7190

**Nursing Education**
- **Kentucky RN/PN Programs of Nursing** 502-429-3315
- **APRN Practice and Education/RN and LPN Practice**
  - 502-429-7181
- **Nursing Incentive Scholarship Fund**
  - (Application Period is January 1 - June 1) 502-429-7180

**Other**
- **Continuing Education Competency/CE Audit**
  - 502-429-7191

**NURSE AIDES:**
- **KY Nurse Aide Registry** 502-429-3346

**DIALYSIS TECHNICIANS**
- **Credential/Education/Renewal/Other DT Practice Scope**
  - 502-429-7181
- **Reporting Criminal Convictions**
  - 502-429-3314

**GENERAL**
- **Main KBN Office Phone** 502-429-3300
- **Main KBN Office Fax** 502-429-3311
- **KBN Executive Office** 502-429-3310
- **Payment Receipt Request**
  - 502-429-7189
- **Open Records Request**
  - 502-429-7192
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  - 502-429-3343
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The baccalaureate degree in nursing at Beckfield College is pursuing initial accreditation by the Commission on Collegiate Nursing Education (CCNE). Applying for accreditation does not guarantee that accreditation will be granted.

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**DISCIPLINARY Actions**

Since the publication of the Summer edition of the KBN Connection, the Board has taken the following actions related to disciplinary matters as authorized by the Kentucky Nursing Laws. A report that contains a more extensive list of disciplinary actions is available on the KBN website (http://kbm.ky.gov/conproct/Investig/dispc/disciplinary.html). If you need additional information, contact KBN’s Consumer Protection Branch at 502-429-3300.

**LICENSE/ CREDENTIAL REVOKED**

<table>
<thead>
<tr>
<th>Name</th>
<th>License Number</th>
<th>Location</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carter, Stephen Kyle</td>
<td>RN License 1124295</td>
<td>Bowling Green, KY</td>
<td>8/11/16</td>
</tr>
<tr>
<td>Keen, Jackie Michelle Jones</td>
<td>LPN License 2022721</td>
<td>South Shore, KY</td>
<td>8/11/16</td>
</tr>
<tr>
<td>Zilka, Brandon</td>
<td>LPN License 2042947</td>
<td>Rineyville, KY</td>
<td>8/11/16</td>
</tr>
</tbody>
</table>

**IMMEDIATE TEMPORARY SUSPENSION OF LICENSE/CREDENTIAL**

<table>
<thead>
<tr>
<th>Name</th>
<th>License Number</th>
<th>Location</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Bausch, Bonnie Elaine Shepherd</td>
<td>APRN License 3000505</td>
<td>Morehead, KY</td>
<td>8/11/16</td>
</tr>
<tr>
<td>Eversole, Natasha Ann</td>
<td>LPN License 2049086</td>
<td>Richmond, KY</td>
<td>7/25/16</td>
</tr>
<tr>
<td>Gauze, Kevin Curtis</td>
<td>RN License 1085129</td>
<td>Louisa, KY</td>
<td>9/2/16</td>
</tr>
<tr>
<td>Gendron, Cathy M. Mary</td>
<td>LPN License 2028285</td>
<td>Louisville, KY</td>
<td>9/20/16</td>
</tr>
<tr>
<td>Hoskins, Leigh Catherine</td>
<td>LPN License 2046513</td>
<td>Erlanger, KY</td>
<td>9/26/16</td>
</tr>
<tr>
<td>Hunt, Kendra D. Fowler</td>
<td>RN License 1132936</td>
<td>Georgetown, KY</td>
<td>9/19/16</td>
</tr>
<tr>
<td>Johnson, Sandra Joyce Couch</td>
<td>RN License 1094727</td>
<td>Prestonsburg, KY</td>
<td>9/20/16</td>
</tr>
<tr>
<td>Lukjan, Anita L. Cary</td>
<td>RN License 1063067</td>
<td>Lexington, KY</td>
<td>9/19/16</td>
</tr>
<tr>
<td>Markham, Robbie Ellen</td>
<td>RN License 1106267</td>
<td>Eddyville, KY</td>
<td>8/10/16</td>
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<tr>
<td>Payton, Denise Marie Mefford</td>
<td>RN License 1056848</td>
<td>Louisville, KY</td>
<td>8/22/16</td>
</tr>
<tr>
<td>Slone, Cassandra Dawn Smith</td>
<td>RN License 1091964</td>
<td>Frenchburg, KY</td>
<td>8/22/16</td>
</tr>
<tr>
<td>Tirey, Jessica Racchelle Baker</td>
<td>LPN License 2051603</td>
<td>Madisonville, KY</td>
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<tr>
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