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KBN Connection circulation includes over 90,000 licensed nurses and nursing students in Kentucky.

Statistics Corner
As of July 27, 2018 KBN records show:
RN Active: 73,224
LPN Active: 14,447
Advanced Practice Registered Nurses: 8,191
Dialysis Technicians Active: 640
SANE Active: 278

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Earlier this spring Paula Schenk announced her retirement as Executive Director (ED) from the Kentucky Board of Nursing (KBN). Paula served the Commonwealth of Kentucky for 27 years as a KBN staff member retiring in the capacity of ED for the past 6 years. Paula also served in roles of Education Consultant, Practice Consultant, KARE Program Manager, Compliance Section Supervisor and Consumer Protection Branch Manager.

Paula contributed to advancements in nursing regulation at the national level through participation in activities of the National Council of State Boards of Nursing (NCSBN), serving on committees to develop nurse investigator training, serving as the training course committee chairperson. Paula also served on the Nurse Licensure Compact Commission and the Enhanced Nurse Licensure Compact Commission Executive Committee.

Through her leadership, Paula and the KBN staff accomplished an expanded awareness of substance use disorder within Kentucky as a member of the interdisciplinary educational forum CAPTASA: Clinical Applications of the Principles in Treatment of Addictions and Substance Abuse, initiating an annual conference that has continued each year since 2001.

During Paula’s tenure as ED she enhanced the Board organizational structure adding personnel to include staff in the Investigation, Compliance, and Legal Services Branches as well as the addition of Advanced Practice Education & Practice Consultant and an additional Education Consultant.

The Kentucky Board of Nursing recognizes and acknowledges Paula’s contributions and thank her for her commitment and effort to address public safety through compliance, substance use disorder awareness, and the regulation of APRN practice. Thank you, Paula. Enjoy your well-deserved retirement.

The Kentucky Board of Nursing is beginning a new strategic planning process and will focus on collaborating, communicating, and where appropriate, partnering with other disciplines to ensure public safety. Additionally, the Board is launching a search for the next Executive Director. We look forward to a busy and productive 2018 - 2019.

Lewis Perkins, DNP, APRN, GNP-BC, NEA-BC
President, Kentucky Board of Nursing
EXECUTIVE DIRECTOR’S MESSAGE

A Season of Assessment, Planning…..and Change

ASSESSMENT
This past year, the KBN took the opportunity to conduct a customer satisfaction survey and is using that information, along with other national data to evaluate and measure the effectiveness of our programs and services. One thing noted is that licensees have confusion over the role of the licensing board versus that of a professional association. You will find a comparison chart in this issue that will differentiate activities of the KBN vs. those of the KNA.

The Board’s legislated purpose is to protect the well-being of the public by development and enforcement of state laws governing the safe practice of nursing, nursing education, and credentialing. The Board accomplishes this mandate through the approval of programs of nursing, implementing laws and regulations that provide for the licensing of nurses and establishing the parameters of practicing safely and in compliance within the legal scope of practice.

PLANNING
The Board and staff are collaborating to develop a new strategic plan. In turn, we will embark in the next two years on the journey of implementing the new plan. The strategic priorities include that of identifying metrics to help the Board and staff in establishing baselines and in measuring achievement and effectiveness related to the activities of the agency. Other strategic priorities will focus on Board development; staff development; and building relationships, partnerships, and developing effective external communications.

CHANGE
The Board welcomed new Board members as of July 1:
• Dr. Audria Gail Denker, of Louisville, is a registered nurse who will serve a term expiring June 30, 2022; and
• Ollie Faye Bowling, of Louisville, is a licensed practical nurse who will serve a term expiring June 30, 2022; and
• Dr. Jessica Lynn Wilson, of Nicholasville, is an educator and nurse practitioner. She will serve a term expiring June 30, 2022; and
• Dr. James (Jimmy) T. Isenberg, of Glasgow, is a nurse practical educator. He will serve a term expiring June 30, 2022. Dr Isenberg was re-appointed to the Board.

The Board bids farewell to Natalie Tate, LPN, Paducah; Christe Coe, APRN, Louisville; and Dr. Patricia Spurr, RN and thanks them for their contributions during their terms of service on the Board.

The Board has launched a search for its next Executive Director following the March retirement of Paula Schenk. You will see more information in this issue about the search.

As we begin a new fiscal year, we seek to meet your licensing needs, respond to your practice and education inquiries, address the unsafe practice of licensees through disciplinary actions, and monitor and assist with re-entry into practice following disciplinary action or through struggles dealing with substance use. The Board staff are available to assist with whatever need you may have related to your license.

Pamela C. Hagan, MSN, RN
Acting Executive Director
SEEKING

KENTUCKY BOARD OF NURSING
EXECUTIVE DIRECTOR

For More Information
View the KBN Website

WWW.KBN.KY.GOV

Qualifications, Requirements,
Description of Duties
and Application Process
The 2018 Kentucky General Assembly adjourned April 14, 2018. It was an interesting session, one with some controversy. Several bills were introduced that would have affected nurses. However, only one passed: House Bill 427, the Board of Nursing’s housekeeping bill. The primary sponsor was Rep. Addia Wuchner, an RN from northern Kentucky. Rep. Mary Lou Marzian, a retired RN from Louisville, Rep. Kimberly Moser, a retired RN from northern Kentucky, and Rep. Linda Belcher, a teacher from Bullitt County, were co-sponsors. The bill was signed by the Governor on April 26, 2018. It went into effect on July 14, 2018.

The bill has 13 sections. Section 1 deleted the provisions regarding the Controlled Substances Formulary Development Committee and changed the word “noncontrolled” to “nonscheduled” in the definition of dispense.

Section 2 amended the mandatory reporting statute, KRS 314.031, to refer to the disciplinary statute, KRS 314.091, concerning what must be reported to the Board.

Section 3 amended the dialysis technician statute, KRS 314.035, to include a provision similar to KRS 314.031 requiring mandatory reporting of a dialysis technician who is suspected of violating the law.

Section 4 amended the APRN licensure statute, KRS 314.042, to clarify what kind of educational program an applicant must complete to apply for an APRN license. It also adds a requirement that an applicant for an APRN license complete a jurisprudence examination. It also amended the statute to make rescission of a CAPA-CS by an APRN simpler; the APRN or the physician must send written notice of rescission to the other party and to the Board of Nursing.

Section 5 requires a nurse who is ordered to obtain an evaluation to submit the evaluation within thirty days.

Section 6 sets the standard for the issuance of a temporary suspension of a nurse’s license.

Section 7 amends the disciplinary statute, KRS 314.091, to clarify certain violations. It also permits the Board to recover the costs of an administrative hearing.

Section 8 amends KRS 314.101 to provide for an exemption from licensure for seven days for a nurse from another state (non-Compact) who is in this state on a nonroutine basis.

Section 9 amends KRS 314.181 to clarify when an RN may pronounce death.

Section 10 amends KRS 314.111 to provide the authority to the Board to fine a program of nursing that is not in compliance with the Board’s administrative regulations. The fine may be up to $500 per day.

Section 11 amends KRS 314.121 to update the name of an organization that submits nominations to the Governor for a board member position.

Section 12 amends a statute to remove a reference to KRS 314.181.

Section 13 repeals two statutes: (1) KRS 314.046, Registered nurse may sign the provisional report of death, when; and (2) KRS 314.105, Declaratory ruling by board on applicability of law to a particular case.

Please direct any questions about the bill to Nathan Goldman, General Counsel, at (502) 429-3309 or Nathan.Goldman@ky.gov.
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Every day nurses report to work in Kentucky and discover that their nursing license has been suspended when the nurse had no knowledge of any investigation. Nurses sometimes apply for licensure in other states and learn that discipline has been taken on their Kentucky license without their knowledge. Other times, nurses apply for reinstatement and learn for the first time that their license has been denied reinstatement. How is this possible? Because the nurse failed to update his or her address on the Board’s website, kbn.ky.gov. The direct link to the address change page is: kbn.ky.gov/apply/Pages/addchg.aspx.

Kentucky law requires a nurse to keep a current address on file with the Board. KRS 314.107 provides:

“Any person licensed by the board shall maintain a current mailing address with the board and immediately notify the board in writing of a change of mailing address. As a condition of holding a license from the board, a licensee is deemed to have consented to service of notices or orders of the board at the mailing address on file with the board, and any notice or order of the board mailed or delivered to the mailing address on file with the board constitutes valid service of the notice or order.”

If the Board sends correspondence to the mailing address on file with the Board, the nurse by law has been validly served with the notice or order. Therefore, every time a nurse’s address changes, the new address should be immediately updated on the Board website. Advanced Practice Registered Nurses also must keep a current address on file with their national certifying organization to ensure they receive their national certification/recertification and provide it to the Board prior to its expiration date.

The discipline process begins when a complaint is filed with the Board. Complaints may be filed by anyone and all complaints are investigated. The Board files administrative complaints when staff becomes aware of a violation of Kentucky nursing law, such as an unreported criminal conviction. Administrative complaints are also filed in cases where the nurse fails to complete required continuing education and where the nurse has failed to submit required payments to the state of Kentucky.

Particularly in the case of administrative complaints not involving threats to the public, Board staff and the nurse may usually conclude matters in an expedited fashion. However, if the nurse fails to respond, the Board is required to proceed. These types of disciplinary action are completely avoidable if the nurse keeps a correct address on file with the Board.

There are three (3) common situations where a nurse’s license may be suspended or denied reinstatement simply because he or she failed to submit required payments to the state:

1. The Board is required by statute, KRS 164.772, to suspend a license if the nurse has defaulted on student loans with the Kentucky Higher Education Assistance Authority (KHEAA);
2. The Board is required by statute, KRS 134.1817, to suspend a license if the nurse is delinquent on Kentucky tax payments; and
3. The Board may suspend a nurse’s license for submitting a bad debit transaction to the Board pursuant to KRS 314.075.

When the Board receives information regarding the above violations, an administrative complaint or other notification is mailed to the nurse to the address on file with the Board. If the nurse responds, the majority of such cases may be resolved quickly.

But what happens when the nurse moved and failed to update his or her address on the Board’s website? The process in a delinquent tax case is as follows:

1. The state notifies the Board that the nurse is delinquent in paying taxes;
2. The Board files an administrative complaint against the nurse and mails the complaint to the address on file with the Board, requiring a response within thirty (30) days;
3. If no response is received, the nurse’s license is suspended on a temporary basis;
4. The Board files a Notice of Charges and mails it to the address on file with the Board, requiring a response within twenty (20) days;
5. If no response is received, the Board will eventually issue a Decision suspending or denying reinstatement of the nurse’s license.

A similar process is followed for cases involving student loan default and bad debit transactions submitted to the Board.

If the nurse responds to the administrative complaint, these matters may be concluded promptly. But if the nurse never receives the correspondence from the Board because the nurse failed to update his or her address on the Board’s website, the consequences can be severe. The nurse could go to work and be informed that his or her license has been suspended because of a problem with tax payments from many years ago.

Taking action on a nurse’s license because of non-payment of required monies is a major disruption in the nurse’s life, and is also a drain on the Board’s resources. Board staff must spend time bringing a case
to the Board for a final Decision resulting in suspension of licensure for failing to pay taxes or defaulting on student loans instead of focusing on cases where the nurse presents a danger to the public. These situations are preventable if the nurse always keeps a current address on file with the Board.

Please do yourself a favor: visit kbn.ky.gov and ensure that your address is correct. If not, please update your address as required by Kentucky law.
In 2015 I had the distinguished honor to be appointed to the Kentucky Board of Nursing (KBN) by Governor Steve Beshear. My name was submitted by the Kentucky Licensed Practical Nurses Organization (KLPNO), of which I am a member.

My knowledge and awareness of the KBN was limited as I found out in the new board member orientation. I knew that this is the body that issues our license, that nurses are required to meet continuing competency requirements annually, if there was knowledge of drug abuse it should be reported to the KBN, and that the board sets standards for safe practice of nursing. I never thought about the work that goes into making those words become reality. The knowledge that I have gained is invaluable.

Other board responsibilities include but are not limited to monitoring and approval of nursing programs, managing the Nursing Incentive Scholarship Fund, and oversight of the KARE program. You might ask what is the KARE program? This is the Kentucky Alternative Recovery Effort for Nurses, an alternative to discipline program designed to assist nurses with substance abuse disorder to obtain treatment and eventually return to safe nursing practice.

This article just names a few responsibilities of the KBN. To make this the successful organization that it is, staff and board members work as a team.

I suggest all nurses go to the KBN web site (kbn.ky.gov) and delve into the information located there. There is a wealth of knowledge to assist nurses as we navigate the perplexing practices of nursing, nurse education, credentialing.

I am leaving the board with the realization that the board members and staff are working together toward fulfilling its mission to protect the public by developing and enforcing state laws that govern the safe practice of nursing. I will continue to support this mission.

My term as a member of the Board was informative, rewarding, and one for which few nurses have the opportunity. Licensed Practical Nurses are vital to health care delivery in the Commonwealth and it is important that we support and participate in the activities of the regulatory body of the state agency that licenses us. I urge my LPN colleagues to offer your name to KLPNO as a nominee to the Kentucky Board of Nursing. Your voice and your insights are important. Join and be involved in the KLPNO and put your name forward when there is a solicitation of nominees for one of the three (3) LPN Board of Nursing positions.
PRESIDENT’S REPORT
Ed Cortas, Consultant for the Center for Non-profit Excellence, reviewed the results of the Board Self-Assessment Evaluation with the Board members and developed a plan of action.

FINANCIAL OFFICER’S REPORT
The Financial Officer’s Report was presented. The Board reviewed and accepted the Report as written.

EXECUTIVE DIRECTOR’S REPORT
The written Report of the Executive Director was presented and included information on Administrative News; Opioid Prescribing Reduction Efforts; Communications Focus Workgroup Meeting – Kentucky Department for Public Health; Interagency Discussion on Issues Related to Prescribing of Testosterone; Attorney General’s Opinion – Video Teleconferencing; Kentucky Telehealth Board Meeting; Legal Update; Upcoming Meetings; Investigation Branch Report; Compliance Branch Report; Agreed Orders; Meetings and Activities; 2018 Bill Tracking; Licensure Report and Sex Offender Registry. The Board reviewed and accepted the Report as written.

EDUCATION COMMITTEE
The Education Committee Meeting was held January 18, 2018. The Board accepted the Report and the following actions were taken:

Campbellsville University, Campbellsville, KY, Letter of Intent for MSN/APRN/FNP Program
• ACCEPTED THE LETTER OF INTENT, DATED DECEMBER 13, 2017, SUBMITTED BY CAMPBELLSVILLE UNIVERSITY, CAMPBELLSVILLE, TO ESTABLISH AN ONLINE MSN/APRN/FNP PROGRAM, CAMPBELLSVILLE, KENTUCKY

Midway University, Midway, KY, Letter of Intent for BSN Program
• ACCEPTED THE LETTER OF INTENT, DATED JANUARY 2, 2018, SUBMITTED BY MIDWAY UNIVERSITY, MIDWAY, TO ESTABLISH A BACCALAUREATE NURSING PROGRAM MIDWAY, KENTUCKY

PRACTICE COMMITTEE
The Practice Committee Meeting was held January 19, 2018. The Board accepted the Report and the following actions were taken:

Advisory Opinion Statement #09 – The Performance of Wound Debridement by Nurses – Proposed Revision
• APPROVED ADVISORY OPINION STATEMENT #09 TITLED “WOUND ASSESSMENT, STAGING AND TREATMENT BY NURSES,” AS REVISED

Advisory Opinion Statement #11 – Roles of Nurses in the Insertion and Removal of a Nasogastric Tube and in the Reinsertion of a Gastrostomy Tube – Proposed Revision
• APPROVED ADVISORY OPINION STATEMENT #11 TITLED “INSERTION AND REMOVAL OF A NASOGASTRIC TUBE AND IN THE REINSERTION OF PERCUTANEOUS ENDOSCOPIC GASTROSTOMY (PEG) TUBE,” AS REVISED

New Scope of Practice Determination Guidelines
Advisory Opinion Statement #41
• APPROVED ADVISORY OPINION STATEMENT #41 TITLED “RN/LPN SCOPE OF PRACTICE DETERMINATION GUIDELINES”

CREDENTIALS REVIEW PANEL
The Reports of the Credentials Review Panel Meetings held December 7, 2017 and January 19, 2018 were presented. The Board reviewed and accepted the Reports.

GOVERNANCE COMMITTEE
The Governance Committee Meeting was held January 18, 2018. The Board accepted the Report and the following actions were taken:

Administrative Regulations
• APPROVED PROPOSED AMENDMENTS TO 201 KAR 20:056; ADVANCED PRACTICE REGISTERED NURSE LICENSURE AND CERTIFICATION REQUIREMENTS; 201 KAR 20:070; LICENSURE BY EXAMINATION; 201 KAR 20:110; LICENSURE BY ENDORSEMENT; 201 KAR 20:225; REINSTatement OF LICENSE; AND
• APPROVED PROPOSED NEW REGULATION 201 KAR 20:506; NURSE LICENSURE COMPACT

Customer Satisfaction Survey
• DIRECTED THAT THE TOPICS SUGGESTED IN THE CUSTOMER SATISFACTION SURVEY BE PREPARED FOR PUBLICATION IN THE KBN CONNECTION FOLLOWING REVIEW BY THE KBN CONNECTION EDITORIAL PANEL

Strategic Planning Subcommittee
• APPROVED CREATION OF A SUBCOMMITTEE OF BOARD MEMBERS TO DEVELOP A NEW STRATEGIC PLAN TO INCLUDE MEASURABLE GOALS

Consent of Hearings
• REAFFIRMED THE CURRENT PROCESS FOR THE CONDUCT OF KRS 13B HEARINGS

DISCIPLINARY ACTION
Approved Eleven Recommended Orders, Twenty-Seven Agreed Orders, Thirty-Three Consent Decrees, and Eleven Removal of Licenses from Probation or Cleared from Board Ordered Monitoring.
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Q: What are the dates of the continuing education (CE) earning period for renewal of my nursing license?
A: November 1st through October 31st.

Q: How many continuing education contact hours do I need to earn?
A: LPNs and RNs must earn 14 contact hours (or the equivalent – see below for more information) of approved continuing education each year to renew their licenses. APRNs and SANE nurses have additional CE requirements.

Equivalencies:
- National certification related to the nurse’s practice role (in effect during the entire period, or initially earned or recertified during the period); OR
- Completion of a nursing research project as principal investigator, coinvestigator, or project director. Must be qualitative or quantitative in nature, utilize research methodology, and include a summary of the findings; OR
- Publication of an article in a peer-reviewed health-related journal; OR
- A nursing continuing education presentation that is developed by the presenter, presented to nurses or other health professionals, and is evidenced by a program brochure, course syllabi, or a letter from the offering provider identifying the licensee as the presenter of the offering; OR
- Participation as a preceptor for at least one nursing student or new employee. Must be for at least 120 hours, have a one-to-one relationship with student or employee, may precept more than one student during the 120 hours, and preceptorship shall be evidenced by written documentation from the educational institution or preceptor's supervisor; OR
- Proof of earning seven approved contact hours, PLUS a nursing employment evaluation that is satisfactory for continued employment. Must be signed by supervisor and include the employer name, address, and phone number, and cover at least six months of the earning period.

Q: Who is approved by KBN to offer CE?
A: KBN accepts CE offerings from three types of providers:
- Those approved by KBN. They are assigned a KBN approval number formatted as X-XXXX and an approval expiration date.
- Those approved by recognized national nursing organizations. They should make their approval/accreditation information available to nurses prior to registering, and this information must be included on the certificate to be accepted. A list of the recognized national nursing organizations can be found on the KBN website at kbn.ky.gov/ce.
- Those approved by any state board of nursing.

Q: What are the specific CE requirements for an APRN license renewal?
A: Five contact hours of approved CE in pharmacology. APRNs with a CAPA-CS are required to earn 1.5 approved CE contact hours on the use of KASPER, pain management, or addiction disorders. These hours may count as part of the required five (5) pharmacology contact hours. APRNs must be able to identify to the KBN the unique controlled substance contact hours.

Q: So, does an APRN have to complete a total of 19 contact hours of CE?
A: No. APRNs may use their national nursing certification to satisfy the fourteen (14) CE contact hours needed for RN licensure renewal each year, as long as the certification was initially attained during the licensure period, has been in effect during the entire licensure period, or has been renewed during the licensure.