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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: Continuation of 201 KAR 20:320 emergency modifications and withdrawal of emergency modifications to 201 KAR 20:056, 201 KAR 20:070, 201 KAR 20:110, 201 KAR 20:225, 201 KAR 20:470, and 201 KAR 20:620

DATE: March ___, 2021

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 temporarily modified numerous regulations within 201 KAR Chapter 20 for the primary purpose of allowing an expeditious pathway to temporary licensure notwithstanding delays in obtaining fingerprint-driven criminal background reports and with regard to the NCLEX examination. As delays associated with fingerprint-driven criminal background checks and the NCLEX examination have been largely eliminated, the emergency measures referenced below are withdrawn and replaced as specified herein.

The memorandum signed by Dina Byers, KBN Board President, on April 17, 2020, and by J. Michael Brown, Secretary of the Governor's Executive Cabinet, on April 20, 2020, modifying 201 KAR 20:056, and attached hereto as Exhibit A, is withdrawn in its entirety. Also, the memorandum signed by Jessica L. Wilson, KBN Board President, on August 20, 2020, and by J. Michael Brown, Secretary of the Governor's Executive Cabinet, on August 26, 2020, modifying 201 KAR 20:225, 201 KAR 20:470, and 201 KAR 20:620, and attached hereto as Exhibit B, is withdrawn in its entirety. Thirty (30) days from the effective date of this memorandum, the Board shall resume enforcement of 201 KAR 20:056, 201 KAR 20:225, 201 KAR 20:470, and 201 KAR 20:620 as published within the Kentucky Administration Regulations Service pursuant to KRS 13A.050(1). See, https://apps.legislature.ky.gov/law/kar/TITLE201.HTM.

The memorandum signed by Dina Byers, KBN Board President, on March 27, 2020, and by J. Michael Brown, Secretary of the Governor's Executive Cabinet, modifying 201 KAR 20:070, 201 KAR 20:110, and 201 KAR 20:320, and attached hereto as Exhibit C, is hereby withdrawn in its entirety and is replaced with the following text which preserves and restates the emergency modifications to 201 KAR 20:320 only. Thirty (30) days from the effective date of this memorandum, the Board shall resume enforcement of 201 KAR 20:070 and 201 KAR 20:110 as published within the Kentucky Administration Regulations Service pursuant to KRS 13A.050(1). See, https://apps.legislature.ky.gov/law/kar/TITLE201.HTM.

During the state of emergency regarding COVID19, and notwithstanding the withdrawal of emergency modifications to 201 KAR 20:056, 201 KAR 20:070, 201 KAR 20:110, 201 KAR 20:225, 201 KAR 20:470, and 201 KAR 20:620, the Board has directed

continued relaxed enforcement of two (2) clinical education requirements set forth at 201 KAR 20:320, Section 2(9) and Section 3(1)(b), as follows:

> Section 2(9) of 201 KAR 20:320 states: "(9) Integrated practicum. (a) The curriculum shall include an integrated practicum. The integrated practicum shall consist of a minimum of 120 clock hours of concentrated clinical experience of direct patient care in a health care facility or health care organization. (b) The integrated practicum shall be completed within a period not to exceed seven (7) consecutive weeks while the governing institution is in session and within seven (7) months of graduation."
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> During the period of emergency, the following highlighted words shall be regarded as omitted from Section 2(9) of 201 KAR 20:320: "(9) Integrated practicum. (a) The curriculum shall include an integrated practicum. The integrated practicum shall consist of a minimum of 120 clock hours of ~~concentrated~~ clinical experience ~~of direct patient care in a health care facility or health care organization.~~ (b) The integrated practicum shall be completed ~~within a period not to exceed seven (7) consecutive weeks~~ while the governing institution is in session and within seven (7) months of graduation."
>
> Section 3(1) of 201 KAR 20:320 states: "Section 3. Simulation Standards. (1)(a) A program of nursing that uses simulation shall adhere to the standards set in this section. (b) A program of nursing shall not use simulation for more than fifty (50) percent of its total clinical hours required for graduation."
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> During the period of emergency, the following highlighted words shall be regarded as omitted from Section 3(1) of 201 KAR 20:320: "Section 3. Simulation Standards. (1)(a) A program of nursing that uses simulation shall adhere to the standards set in this section. ~~(b) A program of nursing shall not use simulation for more than fifty (50) percent of its total clinical hours required for graduation~~."

This relaxed enforcement of 201 KAR 20:320, Section 2(9) and Section 3(1)(b) means, that during the state of emergency, Board staff will not enforce the 120 hour integrated practicum requirement in a manner that requires direct patient care, or the completion of the integrated practicum within seven (7) consecutive weeks. Also, Board staff will not enforce the fifty (50) percent threshold for simulation with regard to the one hundred twenty (120) clock hours of integrated practicum, or with regard to the overall clinical

requirement set forth in the Program curriculum. This means that, during the emergency, the integrated practicum requirement and overall clinical education requirement of a Program of Nursing may be met through simulation, up to one hundred (100) percent, provided the simulation comports with 201 KAR 20:320 Section 3.

Within ten (10) days of the effective date of this memorandum, Board staff shall notify all provisional or temporary license holders by email of the withdrawal of the emergency modifications to 201 KAR 20:056, 201 KAR 20:070, 201 KAR 20:110, 201 KAR 20:225, 201 KAR 20:470, and 201 KAR 20:620, the corresponding reinstatement of NCLEX and fingerprint-driven criminal background check requirements, and the date that their provisional or temporary license will expire if those requirements are not met.

It is noted that provisional and temporary licenses expire on varying dates; more specifically, a date six (6) months after the provisional/temporary license was issued or renewed, whichever occurred later. For thirty (30) days following the effective date of this memorandum, Board staff will continue to renew provisional/temporary licenses by granting an additional six (6) months of temporary/provisional licensure. Beginning on the thirty-first (31st) day following the effective date of this memorandum, all provisional/temporary license expiration dates will be binding.

Jessica L. Wilson, PhD, APRN
President
Kentucky Board of Nursing
Dated: February 19, 2021

J. Michael Brown
Secretary of the Executive Cabinet
Commonwealth of Kentucky
Dated: March 5th, 2021