

AN ACT relating to advanced practice registered nurses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 216B.020 is amended to read as follows:

- (1) The provisions of this chapter that relate to the issuance of a certificate of need shall not apply to abortion facilities as defined in KRS 216B.015; any hospital which does not charge its patients for hospital services and does not seek or accept Medicare, Medicaid, or other financial support from the federal government or any state government; assisted living residences; family care homes; state veterans' nursing homes; services provided on a contractual basis in a rural primary-care hospital as provided under KRS 216.380; community mental health centers for services as defined in KRS Chapter 210; primary care centers; rural health clinics; private duty nursing services licensed as nursing pools; group homes; licensed residential crisis stabilization units, which may be part of a licensed psychiatric hospital; licensed free-standing residential substance use disorder treatment programs with sixteen (16) or fewer beds, but not including Levels I and II psychiatric residential treatment facilities or licensed psychiatric inpatient beds; outpatient behavioral health treatment, but not including partial hospitalization programs; end stage renal disease dialysis facilities, freestanding or hospital based; swing beds; special clinics, including but not limited to wellness, weight loss, family planning, disability determination, speech and hearing, counseling, pulmonary care, and other clinics which only provide diagnostic services with equipment not exceeding the major medical equipment cost threshold and for which there are no review criteria in the state health plan; nonclinically related expenditures; nursing home beds that shall be exclusively limited to on-campus residents of a certified continuing care retirement community; home health services provided by a continuing care retirement community to its on-campus residents; the relocation of hospital administrative or outpatient services into medical office

buildings which are on or contiguous to the premises of the hospital; residential hospice facilities established by licensed hospice programs; or the following health services provided on site in an existing health facility when the cost is less than six hundred thousand dollars (\$600,000) and the services are in place by December 30, 1991: psychiatric care where chemical dependency services are provided, level one (1) and level two (2) of neonatal care, cardiac catheterization, and open heart surgery where cardiac catheterization services are in place as of July 15, 1990. The provisions of this section shall not apply to nursing homes, personal care homes, intermediate care facilities, and family care homes; or nonconforming ambulance services as defined by administrative regulation. These listed facilities or services shall be subject to licensure, when applicable.

- (2) Nothing in this chapter shall be construed to authorize the licensure, supervision, regulation, or control in any manner of:
 - (a) Private offices and clinics of physicians, advanced practice registered nurses, dentists, and other practitioners of the healing arts, except any physician's office that meets the criteria set forth in KRS 216B.015(5) or that meets the definition of an ambulatory surgical center as set out in KRS 216B.015;
 - (b) Office buildings built by or on behalf of a health facility for the exclusive use of physicians, advanced practice registered nurses, dentists, and other practitioners of the healing arts; unless the physician's office meets the criteria set forth in KRS 216B.015(5), or unless the physician's office is also an abortion facility as defined in KRS 216B.015, except no capital expenditure or expenses relating to any such building shall be chargeable to or reimbursable as a cost for providing inpatient services offered by a health facility;
 - (c) Dispensaries and first-aid stations located within business or industrial establishments maintained solely for the use of employees, if the facility does not contain inpatient or resident beds for patients or employees who generally

- remain in the facility for more than twenty-four (24) hours;
- (d) Establishments, such as motels, hotels, and boarding houses, which provide domiciliary and auxiliary commercial services, but do not provide any health related services and boarding houses which are operated by persons contracting with the United States Veterans Administration for boarding services;
 - (e) The remedial care or treatment of residents or patients in any home or institution conducted only for those who rely solely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any recognized church or religious denomination and recognized by that church or denomination; and
 - (f) On-duty police and fire department personnel assisting in emergency situations by providing first aid or transportation when regular emergency units licensed to provide first aid or transportation are unable to arrive at the scene of an emergency situation within a reasonable time.
- (3) An existing facility licensed as skilled nursing, intermediate care, or nursing home shall notify the cabinet of its intent to change to a nursing facility as defined in Public Law 100-203. A certificate of need shall not be required for conversion of skilled nursing, intermediate care, or nursing home to the nursing facility licensure category.
- (4) Notwithstanding any other provision of law to the contrary, dual-license acute care beds licensed as of December 31, 1995, and those with a licensure application filed and in process prior to February 10, 1996, may be converted to nursing facility beds by December 31, 1996, without applying for a certificate of need. Any dual-license acute care beds not converted to nursing facility beds by December 31, 1996, shall, as of January 1, 1997, be converted to licensed acute care beds.
- (5) Notwithstanding any other provision of law to the contrary, no dual-license acute

care beds or acute care nursing home beds that have been converted to nursing facility beds pursuant to the provisions of subsection (3) of this section may be certified as Medicaid eligible after December 31, 1995, without the written authorization of the secretary.

- (6) Notwithstanding any other provision of law to the contrary, total dual-license acute care beds shall be limited to those licensed as of December 31, 1995, and those with a licensure application filed and in process prior to February 10, 1996. No acute care hospital may obtain a new dual license for acute care beds unless the hospital had a licensure application filed and in process prior to February 10, 1996.
- (7) Ambulance services owned and operated by a city government, which propose to provide services in coterminous cities outside of the ambulance service's designated geographic service area, shall not be required to obtain a certificate of need if the governing body of the city in which the ambulance services are to be provided enters into an agreement with the ambulance service to provide services in the city.
- (8) Notwithstanding any other provision of law, a continuing care retirement community's nursing home beds shall not be certified as Medicaid eligible unless a certificate of need has been issued authorizing applications for Medicaid certification. The provisions of subsection (3) of this section notwithstanding, a continuing care retirement community shall not change the level of care licensure status of its beds without first obtaining a certificate of need.

➔Section 2. KRS 311.271 is amended to read as follows:

- (1) No person shall be eligible for licensure to practice any healing art in this state unless and until he furnishes satisfactory evidence to the appropriate licensing agency, that prior to being licensed by the respective state agency that he was credited with not less than sixty (60) transferable units of study by a college or university accredited by the Southern Association of Colleges and Schools or an accrediting agency recognized by the Southern Association of Colleges and Schools

or any successor to the powers of either; provided, however, that the transferability of credits from colleges and universities located outside the United States and Canada shall be determined by the appropriate licensing agency.

- (2) (a) The term "healing art," as used herein, includes the practices of medicine, osteopathy, advanced practice registered nursing, dentistry, chiropody (podiatry), optometry, and chiropractic, but does not include the practices of Christian Science or midwifery.
- (b) The term "transferable units of study" means semester hour (or equivalent) credits and may include advance placement credits.
- (3) This section shall not apply to any student who is enrolled in any school of medicine, osteopathy, dentistry, chiropody (podiatry), optometry, or chiropractic on June 13, 1968, nor shall it affect the right of any person who is presently licensed to practice a healing art in this state, to have his license renewed upon compliance with all other requirements of law.

➔Section 3. KRS 311B.020 is amended to read as follows:

As used in this chapter, unless the context clearly requires otherwise:

- (1) "Accredited educational program" means a program that is approved by a national organization acceptable to the board to provide education in medical imaging or radiation therapy;
- (2) "Actively employed" means an individual who is appropriately credentialed and currently employed as an advanced imaging professional, medical imaging technologist, radiation therapist, an educator or administrator in any of these disciplines, or a limited X-ray machine operator;
- (3) "Advanced imaging professional" means an individual who is credentialed by a nationally recognized certification organization that is recognized by the board;
- (4) "Authorized user" means a physician, dentist, or podiatrist identified on a radioactive materials license that authorizes the medical use of radioactive materials

if the license was issued by:

- (a) The Cabinet for Health and Family Services;
 - (b) The United States Nuclear Regulatory Commission; or
 - (c) Another United States Nuclear Regulatory Commission agreement state;
- (5) "Board" means the Kentucky Board of Medical Imaging and Radiation Therapy;
- (6) "Credentialed" means someone who is certified and registered by an appropriate national organization that is recognized by the board;
- (7) "Continuing education" means a learning activity that is planned, organized, and administered to enhance the professional knowledge and skills of a licensed individual of medical imaging or radiation therapy to provide services for patients, the public, or the medical profession;
- (8) "Licensed practitioner" or "licensed practitioner of the healing arts" means a person licensed in Kentucky to practice medicine, osteopathy, *advanced practice registered nursing*, dentistry, chiropractic, podiatry, or veterinary medicine;
- (9) "Limited X-ray machine operator" means an individual who performs limited radiographic procedures in facilities where contrast studies, fluoroscopic, nuclear medicine, or radiation therapy procedures are not performed;
- (10) "Medical imaging technologist" means an individual who has completed an accredited educational program in radiography, nuclear medicine, or other imaging modality recognized by the board and who is licensed and granted privileges under this chapter. Only an individual licensed as a medical imaging technologist shall be employed to perform medical imaging at a facility where contrast studies, fluoroscopic, nuclear medicine, or radiation therapy procedures are performed;
- (11) "National organization" means:
- (a) The American Society of Radiologic Technologists;
 - (b) The Nuclear Medicine Technology Certification Board;
 - (c) The American Registry of Radiologic Technologists;

- (d) The Society of Nuclear Medicine Technologist Section;
 - (e) The Joint Review Committee on Education in Radiologic Technology;
 - (f) The Joint Review Committee on Educational Programs in Nuclear Medicine Technology;
 - (g) The American College of Radiology; or
 - (h) Another national organization recognized by the board;
- (12) "Nuclear medicine technologist" means an individual who is authorized to prepare and administer radiopharmaceuticals, pharmaceuticals, and radionuclides under the direction of an authorized user to perform nuclear medicine procedures for diagnostic and therapeutic purposes;
- (13) "Post-primary certification" means an individual who has primary certification and has been awarded post-primary certification by a national organization that has been recognized by the board;
- (14) "Primary certification" means an individual who has successfully completed a formal educational program and certification in radiography, nuclear medicine, radiation therapy, or other modality recognized by the board;
- (15) "Radiation therapist" means an individual who:
- (a) Has completed an accredited educational program in radiation therapy;
 - (b) Is licensed by the board; and
 - (c) Is authorized to utilize ionizing radiation-generating equipment and sources of radiation for the planning, localization, and delivery of therapeutic procedures on human beings; and
- (16) "Radiographer" means an individual who is authorized to use ionizing radiation-generating equipment to perform a comprehensive scope of diagnostic imaging procedures and is responsible for the operation of radiation-generating equipment, protecting the patient and staff from unnecessary radiation, and selecting the appropriate exposure to produce diagnostic images with the lowest reasonable

exposure.

→Section 4. KRS 438.065 is amended to read as follows:

- (1) No person licensed to practice medicine, *advanced practice registered nursing*, dentistry, osteopathy, podiatry, optometry, or chiropractic, or any other healing art in this state shall solicit persons to become patients, or advertise by mail, card, newspaper, pamphlet, radio, television, or any other medium, or permit his services to be advertised; provided, however, that such person may publish a brief announcement of the opening of an office or of any change of office location or change of office hours, and may cause to be listed in the telephone directory and classified advertising sections thereof his name, address, type of practice and office hours. Modest signs on the doors, windows, and walls of the licensee's office or on the building in which he maintains an office setting out his name, professional title in accordance with KRS 311.375, office hours and address shall not be considered as violations of this subsection.
- (2) Each violation of subsection (1) of this section shall be punishable by a fine of not less than two hundred and fifty dollars (\$250) nor more than one thousand dollars (\$1,000) or by imprisonment for not less than one (1) month nor more than twelve (12) months or both.
- (3) Nothing contained herein prohibits the circulation of educational materials, which are not laudatory of the author or any person with whom he is associated in the practice of his profession, and which contain no solicitation of patients for the author or any such associate of the author, which has been approved as to content by the appropriate licensing agency.