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KENTUCKY BOARD OF NURSING

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Steven L. Beshear
Governor

HOUSE BILL 1 NOW IN EFFECT

House Bill 1, also known as the Pill Mill bill, was passed by the 2012 Special Session of the General Assembly. It went into effect on July 20, 2012. It affects APRNs, particularly those that prescribe controlled substances. APRNs with a CAPA-CS and a DEA number are required to do the following:

1. Register with KASPER. This can be done electronically at <http://chfs.ky.gov/os/oig/KASPER.htm>. Failure to register with KASPER will result in a complaint be filed against the APRN and action taken by KBN.
2. Earn 1.5 contact hours of continuing education (of the five hours required for pharmacology) on the use of KASPER, pain management, or addiction disorders. This requirement will begin for the earning period starting November 1, 2012, for the 2013 renewal.
3. Report all of the APRN's DEA numbers to KBN.
4. Before prescribing a controlled substance, follow the standards set in the bill and the emergency administrative regulation. The text of the bill may be accessed through this link: <http://www.lrc.ky.gov/statrev/tables/12ss/actsmas.pdf>. Please refer to Chapter 1. The emergency administrative regulations may be accessed through this link: http://www.lrc.ky.gov/KAR/contents/HB1/HB1_Regs.htm. The prescribing standards are in Section 3 of the bill and Section 9 of 201 KAR 20:057.

The Board has filed four emergency administrative regulations to implement the bill. They can be accessed at the link above. They cover the following matters:

1. When KBN receives a report of improper, inappropriate, or illegal prescribing or dispensing of a controlled substance (IIPCS), it will send a copy to the State Police, the Attorney General, and the Cabinet for Health and Family Services (CHFS) within 3 days.

2. An investigation must begin within 7 days and a probable cause determination must be made within 120 days.
3. Establishment of licensure standards that impose a permanent ban on a licensee for felony convictions related to controlled substances from prescribing controlled substances; action less than a permanent ban for misdemeanor convictions related to controlled substances; similar action in Kentucky for actions in another state related to IIPCS; and a requirement that licensees and applicants report any conviction or action in another state with sanctions for failure to report.

The KBN will be accepting written comments on the proposed administrative regulations until the close of business on October 1, 2012. Comments should be addressed to Nathan Goldman, Acting Executive Director and General Counsel. For more information, contact Mr. Goldman at (502) 429-3309 or Nathan.Goldman@ky.gov.