

314.196 Collaborative Prescribing Agreement Joint Advisory Committee -- Members -- Purposes -- Assistance provided -- Complaints -- Jurisdiction -- Meetings.

- (1) There is hereby established the Collaborative Prescribing Agreement Joint Advisory Committee, designed to serve in an advisory role regarding the "Collaborative Agreement for the Advanced Practice Registered Nurse's Prescriptive Authority for Nonscheduled Legend Drugs" (CAPA-NS), as authorized under KRS 314.042(8). The committee shall be composed of six (6) members selected as follows:
 - (a) Three (3) members shall be advanced practice registered nurses who currently prescribe nonscheduled legend drugs, each appointed by the Kentucky Board of Nursing; and
 - (b) Three (3) members shall be physicians who currently have or previously had a signed CAPA-NS with an advanced practice registered nurse who prescribes nonscheduled legend drugs, each appointed by the Kentucky Board of Medical Licensure.
- (2) The committee may make recommendations to the Kentucky Board of Nursing and the Kentucky Board of Medical Licensure about the CAPA-NS agreements and shall perform other duties as required by this section. The committee may recommend a common CAPA-NS form for use by all advanced practice registered nurses and all physicians in Kentucky who enter into a CAPA-NS. The common CAPA-NS form shall only be required for CAPA-NS agreements if both the Kentucky Board of Nursing and the Kentucky Board of Medical Licensure approve the same version of the common CAPA-NS form. If those boards do not both approve the same version of the common CAPA-NS form, advanced practice registered nurses and physicians may use their own CAPA-NS forms as authorized by KRS 314.042.
- (3)
 - (a) An advanced practice registered nurse may request assistance from the committee and the Kentucky Board of Nursing to identify any physicians who are available to enter into the CAPA-NS in a nonemergency situation if the advanced practice registered nurse is not able to locate a physician to sign a CAPA-NS.
 - (b) If the committee and the Kentucky Board of Nursing receive a request from an advanced practice registered nurse under this subsection, both shall immediately forward the request to the Kentucky Board of Medical Licensure, which shall provide the committee and the Kentucky Board of Nursing with the names, contact information, and any fee requirements provided by any physicians who are available to enter into the CAPA-NS. The Kentucky Board of Nursing and the committee shall make those physician names, contact information, and any fee requirements available to the requesting advanced practice registered nurse.
 - (c) Beginning from the date the requesting advanced practice registered nurse first receives the physician information, whether from the committee or the Kentucky Board of Nursing, the requesting advanced practice registered nurse shall have sixty (60) days to sign a CAPA-NS agreement with a physician. If

the requesting advanced practice registered nurse is unable to sign a CAPA-NS within the sixty (60) days, the committee shall furnish the requesting advanced practice registered nurse with a physician to sign a CAPA-NS. The physician shall be qualified in the same or a similar specialty as the requesting advanced practice registered nurse and shall not charge a fee to sign the CAPA-NS. The advanced practice registered nurse may prescribe under this CAPA-NS until that advanced practice registered nurse signs a CAPA-NS with a different physician as authorized by KRS 314.042.

- (4) (a) An advanced practice registered nurse may request assistance from the committee and the Kentucky Board of Nursing to identify any physicians who are available to enter into the CAPA-NS in an emergency situation where a collaborating physician is either unavailable or suddenly rescinds from a CAPA-NS with the advanced practice registered nurse who is providing care in an established practice, for any reason other than:
 1. A disciplinary action against the advanced practice registered nurse that is directly related to prescribing or patient safety; or
 2. The collaborating physician has filed a complaint with evidence against the advanced practice registered nurse with the Kentucky Board of Nursing related to prescribing or patient safety.
 - (b) While the advanced practice registered nurse is unable to locate a physician to sign the CAPA-NS in an emergency situation and after requesting assistance from the committee and the Kentucky Board of Nursing, the advanced practice registered nurse may prescribe as if he or she is prescribing with a CAPA-NS.
 - (c) If the committee and the Kentucky Board of Nursing receive a request from an advanced practice registered nurse under this subsection, both shall immediately forward the request to the Kentucky Board of Medical Licensure. The Kentucky Board of Medical Licensure shall provide the committee and the Kentucky Board of Nursing with the names, contact information, and any fee requirements provided by any physicians who are available to enter into a CAPA-NS. The Kentucky Board of Nursing and the committee shall make those physician names, contact information, and any fee requirements available to the requesting advanced practice registered nurse.
 - (d) Beginning from the date the requesting advanced practice registered nurse first receives the physician information, whether from the committee or the Kentucky Board of Nursing, the requesting advanced practice registered nurse shall have thirty (30) days to sign a CAPA-NS agreement with a physician. If no CAPA-NS is signed at the end of the thirty (30) days, the advanced practice registered nurse shall cease to prescribe until a CAPA-NS is signed. Once a new CAPA-NS goes into effect, the advanced practice registered nurse shall only prescribe within the terms of the new CAPA-NS until that CAPA-NS is no longer in effect.
- (5) If the committee receives a complaint about the prescribing, fee requirements, or other activities of an advanced practice registered nurse or physician under a

CAPA-NS, the committee shall not discuss or review the complaint or any actions of any advanced practice registered nurse or physician, but shall immediately forward the complaint to the licensing board that has jurisdiction over the person who is the subject of the complaint.

- (6) The Kentucky Board of Nursing and the Kentucky Board of Medical Licensure shall each maintain sole jurisdiction over their respective licensees and their licensees' practice.
- (7) The Kentucky Board of Nursing and the Kentucky Board of Medical Licensure shall each be responsible for and have exclusive authority over their respective members appointed to the committee. Each board may determine its own process for the appointment, removal, term length, or any other procedural matter relating to its members appointed to the committee.
- (8) The committee shall be attached to the Kentucky Board of Nursing for administrative purposes. The Kentucky Board of Nursing shall be responsible for the expenses of its members and for administering the committee. The Kentucky Board of Medical Licensure shall be responsible for the expenses of its members. The location for committee meetings shall alternate between the facilities of the Kentucky Board of Nursing and the facilities of the Kentucky Board of Medical Licensure.

Effective: July 15, 2014

History: Created 2014 Ky. Acts ch. 2, sec. 1, effective July 15, 2014.