

I. A PHILOSOPHY ON DISCIPLINE

1. Pursuant to KRS 314.021(1), the Board of Nursing is charged by the General Assembly of Kentucky with the regulation of the practice of nursing in order to protect and safeguard the health and safety of the citizens of this Commonwealth. KRS 314.091 authorizes the Board of Nursing to discipline a nurse or applicant upon proof that the person has violated the nursing laws.

2. It is the declared philosophy of the Board of Nursing that each case should be decided on the unique facts of that case. While the Board strives for consistency in its decisions and orders and attempts to resolve similar cases in a similar manner, it acknowledges that each case is different and must be adjudged based on its individual situation.

3. While protection of the public is paramount, the Board will consider remediative measures, such as probation or limitation, if evidence exists that the nurse has the knowledge, skills, and abilities to practice safely. However, the Board will deny, suspend, or revoke a license when there is evidence that the public's health and safety continues to be in danger or when no remedial purpose would be served by probation or limitation.

4. The Board will utilize minimal standards of acceptable nursing practice when evaluating a nurse's practice.

5. KRS 314.021(2) makes each nurse individually responsible and accountable for making decisions that are based upon the individual's educational preparation and experience in nursing. Although the nurse may be practicing within a system, the individual nurse is responsible to ensure that he/she is practicing with reasonable skill and safety.

6. The Board recognizes that chemical dependency is a disease. Nurses who acknowledge that they are chemically dependent and who actively practice recognized recovery methods do not represent a threat to the public and should be allowed to continue practicing nursing. However, in order to assure the public safety such nurses should be monitored through the Kentucky Alternative Recovery Effort for Nurses (KARE for Nurses) program of the Board.