



Kentucky Society of Addiction Medicine

A Chapter of American Society of Addiction Medicine

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November 27, 2023

Audria Denker, RN
President
Kentucky Board of Nursing
312 Whittington Pkwy #300
Louisville, KY 40222

Re: Request for Kentucky Board of Nursing (KBN) to Revise Patient Visitation Requirments for Treatment of Opioid Use Disorder (OUD)

Dear Ms. Denker,

Thank you for the opportunity to comment on this important matter on behalf of the Kentucky Society of Addiction Medicine (KYSAM), the leading medical specialty society representing addiction specialist physicians and other clinicians in Kentucky. **We write today to urge KBN to consider revising their patient visitation rules, with a specific focus on providing OUD treatment in jails and prisons.**

In June 2023, KYSAM [requested](#) an emergency opinion from the Kentucky Board of Medical Licensure (KBML) regarding [201 KAR 9:270 §\(2\)\(4\)\(e\)\(3\)](#). The letter specifically focused on frequency of visit requirements for patients receiving medications for opioid use disorder (MOUD). In brief, the regulation requiring weekly visits created difficulties for patients being treated at the Fayette County Detention Center. For example, it was difficult to transport patients weekly to appointments due to staffing issues at the jail. Additionally, KYSAM noted that the visitation rule contradicts American Society of Addiction Medicine (ASAM) and Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines which emphasize making MOUD accessible to all patients. The Board responded to this request and agreed that incarcerated persons do not have to be seen on a weekly basis.


However, because the letter was directed to KBML, the policy change would only impact physicians. Nurse practitioners are integral to the care of patients with addiction. They must still follow Kentucky Board of Nursing (KBN) [regulations](#) which are similar to KBML regulations regarding frequency of visits. KYSAM supports nurse practitioners having the same flexibility to determine frequency of visits for incarcerated persons. Relatedly, the Department of Justice [has mandated](#) that incarcerated persons in Fayette County jails have the same access to buprenorphine/naloxone as non-incarcerated persons, and this mandate is likely to affect other county jails as well.

KBN guidelines state that there can be deviations from KBN guidelines in “justifiable circumstances” and that such deviations need to be documented. However, it isn't clear what the justifiable circumstances would be. This ambiguity can lead to a reluctance on the part of some providers to prescribe buprenorphine/naloxone in circumstances that deviate slightly from the guidelines such as instances where the jail can't provide transportation to appointments or can't provide telehealth services.

Ultimately, our goal is to increase access to MOUD for all patients. Policymakers must look towards revising outdated regulations that are restrictive and stand in the way of delivering treatment to vulnerable populations. **We urge KBN to issue a clarification regarding the frequency of visits for incarcerated patients. Ideally, KBN should align their regulations with KBML to allow this relaxation of restrictions for nurse practitioners and avoid disruptions in care.** We look forward to working with KBN in a timely manner to address these issues. Please do not hesitate to reach out to me at tratuy7@gmail.com to discuss further if you have any questions or concerns.

Sincerely,

Tuyen T. Tran, MD,
MBA, FACP, FASAM

 Digitally signed by Tuyen T. Tran,
MD, MBA, FACP, FASAM
Date: 2023.11.27 08:44:08 -05'00'

Tuyen T. Tran, MD, MBA, FACP, FASAM
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