

1 GENERAL GOVERNMENT CABINET

2 Board of Respiratory Care

3 (Amendment)

4 201 KAR 29:010. Activities under limited mandatory certification.

5 RELATES TO: KRS 314A.110, 314A.112

6 STATUTORY AUTHORITY: KRS 314A.112, 314A.205(3)

7 CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies
8 with the requirements of 2025 RS HB 6, Section 8, because the amendments to this
9 administrative regulation will not have a major economic impact.

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 314A.205 requires the board to evaluate the
11 qualification of candidates for mandatory certification and to establish guidelines to make
12 evaluations. This administrative regulation lists the qualifications for limited mandatory
13 certification and clarifies requirements as well as the types of activities which are permissible
14 by persons holding limited mandatory certification.

15 Section 1. To be eligible for limited mandatory certification as a respiratory care practitioner,
16 the applicant shall:

17 (1) Be actively enrolled in an accredited program as defined by KRS 314A.010(5);

18 (2) Have documented competency in a minimum of six (6) of the following areas as it relates
19 to KRS 314A.010(8):

- (a) Oxygen therapy;
- (b) Assessment of patients cardiopulmonary status;
- (c) Cardiopulmonary resuscitation;
- (d) Ethics of respiratory care and medical care;
- (e) Humidity therapy;
- (f) Aerosol therapy;
- (g) Airway clearance techniques;
- (h) Chest physiotherapy;
- (i) Gas therapy; and
- (j) Arterial puncture~~Respiratory assist device (RAD)~~; and

(3) Submit documentation of authorization of employment on the Application for Limited Mandatory Certificate by the director of the applicant's educational program and also by the appropriate supervisory personnel in the health care facilities in which the applicant intends to practice respiratory care.

Section 2. Upon completion of the accredited program, the holder of a limited mandatory certificate shall apply for a temporary mandatory certificate or a mandatory certificate by completing the Application for Mandatory Certification as a Respiratory Care Practitioner.

Section 3. As used in KRS 314A.110(3), "Continuous mechanical ~~[or physiological]~~ ventilatory support" means~~[as used in KRS 314A.110(3) shall be considered to be]~~ the establishment, management, or termination of mechanical ventilation, and "physiological ventilatory support" means bringing fresh air for gas exchange into the lungs and to allow for the exhalation of air that contains carbon dioxide. A person holding a limited mandatory certificate shall be prohibited

1 from performing these functions, as well as ~~[arterial puncture and]~~ blood gas analysis. Persons
2 holding a limited mandatory certificate may perform any other respiratory care procedure or
3 function for which they have received training, if they are done under the supervision of an
4 individual holding mandatory certification by this board.

5 Section 4. A person shall not practice under a limited mandatory certificate if they have~~[he or~~
6 ~~she has]~~ been previously approved by the board for a temporary certificate.

7 Section 5. Incorporation by Reference.

8 (1) The following material is incorporated by reference:

9 (a) "Application for Limited Mandatory Certificate", 4/17/2025~~[5/06]~~; and

10 (b) "Application for Mandatory Certification as a Respiratory Care Practitioner", 4/17/2025~~[5/06]~~.

11 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at
12 the Kentucky Board of Respiratory Care, 1714 Perryville Road, Suite 200, Danville, KY 40422~~[163~~

13 ~~W. Short Street, Suite 350, Lexington, Kentucky, 40507]~~, Monday through Friday, 8 a.m. to 4:30

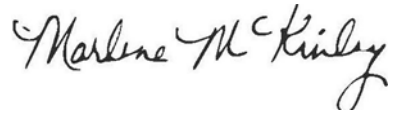
14 p.m. EST. This material is also available at [https://kbrc.ky.gov/Pages/Applications-and-](https://kbrc.ky.gov/Pages/Applications-and-Forms.aspx#apps)

15 [Forms.aspx#apps](https://kbrc.ky.gov/Pages/Applications-and-Forms.aspx#apps).

Amended Administrative Regulation

201 KAR 29:010. Activities under limited mandatory certification.

Adopted: April 17, 2025

A handwritten signature in black ink that reads "Marlene McKinley". The signature is written in a cursive style with a large, stylized "M" and "K".

Marlene McKinley, RRT, Board Chair
Kentucky Board of Respiratory Care

April 17, 2025

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on October 28, 2025 at 10:00 AM at the Kentucky Board of Respiratory Care, 1712 Perryville Rd, Suite 200, Danville, KY 40422. Individuals interested in being heard at this hearing shall notify this agency in writing by October 21, 2025, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON:

Morgan G. Ransdell, Board Attorney
Kentucky Board of Respiratory Care
1712 Perryville Rd, Suite 200
Danville, KY 40422
Phone: (502) 665-9600
Email: Morgan.Ransdell@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 29:010

Contact Person: Morgan G. Ransdell

Phone: (502) 665-9600

Email: Morgan.Ransdell@ky.gov

Subject Headings: Boards and Commissions, Respiratory Care, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation lists the qualifications for limited mandatory certification and clarifies requirements as well as the types of activities which are permissible by persons holding limited mandatory certification.

(b) The necessity of this administrative regulation: KRS 314A.112 and 314A.205 require the board to evaluate the qualification of candidates for mandatory certification and to establish guidelines to make evaluations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: By setting qualifications for limited mandatory certification and clarifying requirements as well as the types of activities which are permissible by persons holding limited mandatory certification.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By setting qualifications for limited mandatory certification and clarifying requirements as well as the types of activities which are permissible by persons holding limited mandatory certification.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment provides separate definitions for “continuous mechanical ventilatory support” and “physiological ventilatory support”, and adds arterial puncture to list of required competencies, from which a student must complete six to be eligible for a limited license. The applications incorporated by reference in this regulation are amended to include a more robust attestation clause, and to seek disclosure regarding: (a) denial, suspension, revocation of any application for professional licensure nationwide; (b) pending licensure discipline complaints, (c) misdemeanor/DUI convictions; (d) impairment that “in any way affects the ability to practice respiratory care in a competent, ethical and professional manner”; and (e) current participation in a monitoring/alternative to discipline/diversion/peer assistance program.

(b) The necessity of the amendment to this administrative regulation: The amendment is needed to update the list of competencies pertinent for respiratory care students, and to clarify the distinction between mechanical ventilatory support and physiological ventilatory support. KRS 314A.205 and 314A.225 require the agency to evaluate the qualifications of candidates for mandatory certification, and the application amendments are needed to implement these statutes and the ethical and professional standards set forth in 201 KAR

29:020.

(c) How the amendment conforms to the content of the authorizing statutes: By setting qualifications for limited mandatory certification and clarifying requirements as well as the types of activities which are permissible by persons holding limited mandatory certification, and by strengthening the application questions and attestation clause for the purpose of public protection.

(d) How the amendment will assist in the effective administration of the statutes: By setting qualifications for limited mandatory certification and clarifying requirements as well as the types of activities which are permissible by persons holding limited mandatory certification, and by providing adding application questions to evaluate the qualifications of candidates for mandatory certification per criteria set forth in KRS 314A.225 and 201 KAR 29:020.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The 4141 active credential holders subject to the Board's regulatory authority, the 195 inactive credential holders, and future applicants for initial licensure or reinstatement.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: Applicants for a limited mandatory certificate who have competency in arterial puncture may utilize this competency when qualifying for the certificate. Applicants for initial licensure will be required to answer questions, and attest to the truthfulness of their responses, regarding disciplinary history, criminal convictions, and impairment that impacts their ability to practice respiratory care.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The amendment does not alter the cost imposed upon applicants.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Applicants for a limited mandatory certificate who have competency in arterial puncture may utilize this competency when qualifying for the certificate. Uniform application questions protect the public and the integrity of the respiratory care profession.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There are no monetary costs associated with the implementation of the amendment, either initially or on an ongoing basis.

(b) On a continuing basis: There are no monetary costs associated with the implementation of the amendment, either initially or on an ongoing basis.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fee increase or funding is required.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: It does not.

(10) TIERING: Is tiering applied? Tiering is not applied and is not needed given the context and substance of the regulation.

FISCAL IMPACT STATEMENT

201 KAR 29:010

Contact Person: Morgan G. Ransdell

Phone: (502) 665-9600

Email: Morgan.Ransdell@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314A.110, 314A.112, 314A.205 and 314A.225.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act. KRS 314A.112 and 314A.205 require the board to evaluate the qualification of candidates for mandatory certification and to establish guidelines to make evaluations. KRS 314A.110 and 314A.205 guide the agency with regard to these determinations.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Respiratory Care.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: The amendment will not impact expenditures.

For subsequent years: The amendment will not impact expenditures.

2. Revenues:

For the first year: The amendment will not impact revenues.

For subsequent years: The amendment will not impact revenues.

3. Cost Savings:

For the first year: The amendment will not impact cost savings.

For subsequent years: The amendment will not impact cost savings.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Licensure applicants and licensees.

(a) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: The amendment will not necessitate expenditures.

For subsequent years: The amendment will not necessitate expenditures.

2. Revenues:

For the first year: No revenues to estimate.

For subsequent years: No revenues to estimate.

Cost Savings:

For the first year: No cost savings for regulated entities.

For subsequent years: No cost savings for regulated entities.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: The amendment will not have a fiscal impact on the entities identified in (3)(a), (4)(a), and (5)(a).

(b) Methodology and resources used to determine the fiscal impact: None.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact as it relates to the entities identified in (3)(a), (4)(a), and (5)(a) .

(b) The methodology and resources used to reach this conclusion: None.

Summary of Material Incorporated by Reference

201 KAR 29:010. Activities under limited mandatory certification.

- (a) “Application for Limited Mandatory Certificate”, 4/17/2025; and
- (b) “Application for Mandatory Certification as a Respiratory Care Practitioner”, 4/17/2025.

Summary of Changes to Material Incorporated by Reference

- (a) The “Application for Limited Mandatory Certificate” has been updated with the new agency address, and to utilize uniform queries to seek disclosure regarding: (a) denial, suspension, revocation of any application for professional licensure nationwide; (b) pending licensure discipline complaints, (c) misdemeanor/DUI convictions; (d) impairment that in any way affects the ability to practice respiratory care in a competent, ethical and professional manner; (e) current participation in a monitoring/alternative to discipline/diversion/peer assistance program; (f) applicant phone number; (g) applicant email address; and (h) program director email address. Also, arterial puncture has been added to the list of documented competencies, and respiratory assist device has been deleted from the list of documented competencies.
- (b) The “Application for Mandatory Certification as a Respiratory Care Practitioner” has been updated with the new agency address, a description of the fee exemption for active duty military members and their spouses when seeking endorsement from another state, and to utilize uniform queries to seek disclosure regarding: (a) denial, suspension, revocation of any application for professional licensure nationwide; (b) pending licensure discipline complaints, (c) misdemeanor/DUI convictions; (d) impairment that in any way affects the ability to practice respiratory care in a competent, ethical and professional manner; and (e) current participation in a monitoring/alternative to discipline/diversion/peer assistance program.

**APPLICATION FOR LIMITED
MANDATORY CERTIFICATION**

KRS Chapter 314A creates a mandatory certification requirement for all persons who practice respiratory care in the Commonwealth of Kentucky. The Kentucky Board of Respiratory Care is empowered to issue the necessary license and oversee the practice of respiratory care in the state.

Specifically, KRS 314A.110 (3) sets forth that “In order for student respiratory care practitioners to be employed for compensation to provide respiratory care services, they must apply to the Board for a limited mandatory certificate which will permit them to perform respiratory care procedures (for which they have received training) under direct supervision of a respiratory therapist who holds a mandatory certificate.” Attached is an application which may be completed and sent, along with the appropriate fee, to the Board for processing.

The limited mandatory certificate may be granted **for a period not to exceed three years and only to individuals actively enrolled in an accredited program.**

Persons holding the limited mandatory certification are restricted from the performance of continuous mechanical or physiological ventilatory support, arterial puncture, and blood gas analysis.

The application contains seven sections, which must be completed in order to be reviewed by the Board. The sections are as follows:

1. Personal Information. Supply all pertinent information and answer all questions. If the answer to any of the questions is “yes”, attach additional information explaining this response.
2. Employment Information. Provide the appropriate information about the setting in which you propose to work.
3. Supervisory Information. Since your work must be done under the direct supervision of a credentialed individual, you must list the name, certificate number, and address of your proposed supervisor.
4. Supervisor’s Affidavit. This section must be signed and dated by the person listed in the above-mentioned section as an agreement on their part to provide supervision.
5. Educational Information. This section is to be completed by the Program Director.
6. Program Director’s Affidavit. This section must be signed by the Program Director of the educational program in which you are enrolled.
7. Applicant’s Affidavit. This section must be signed and dated by the applicant.

The completed application should be sent along with an application and Certification fee for the limited mandatory totaling \$60 to the Board at the address on the front page of the application. The fee may be paid on the KBRC payment portal by going to the website at <https://kbrc.ky.gov> or by personal check, cashier’s check, or money order payable to the KENTUCKY STATE TREASURER. The Limited Mandatory Certification fee is non-refundable.

If you have questions regarding this process, please feel free to contact the office at 859-246-2747.

INSTRUCTIONS:

1. Read the application and instructions carefully before filling out the application. Answer all questions. If the answer is “no” or “none”, please indicate. If non-applicable, indicate N/A. If additional space is needed, attach a separate sheet.
2. Please type or print.
3. Application and certification fee is \$60 and is non-refundable if the application is denied. Checks must be payable to the KENTUCKY STATE TREASURER.

KENTUCKY BOARD OF RESPIRATORY CARE

1714 Perryville Rd. Ste 200

Danville, KY 40422

Phone (859) 246-2747 Fax (859) 246-2750

APPLICATION FOR LIMITED MANDATORY CERTIFICATE

PERSONAL INFORMATION

NAME OF APPLICANT: _____
Last First Middle Initial

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

HOME ADDRESS: _____
Street, PO Box, Apt#, etc County Email

City State Zip Code
TELEPHONE NUMBER: HOME: () _____ OFFICE: () _____

Have you ever made application for certification or licensure to practice any profession and failed to receive same in Kentucky or any other State?

Yes ☐ No ☐ If yes, give reason application was denied and provide a true and complete copy of the adverse determination.

Has your certification or licensure to practice any profession in Kentucky or any other state ever been suspended or revoked?

Yes ☐ No ☐

If yes, give reasons and provide a true and complete copy of the adverse determination _____

Do you have any complaints currently pending against a certification or license held by you in in Kentucky or any other state?

Yes ☐ No ☐ If yes, attach explanation(s) and a true and complete copy of all complaints.

Have you ever been convicted of a felony, misdemeanor, or DUI?

☐
Yes

☐
No

If yes, provide a true and complete copy of the record of conviction and state each offense(s) _____

Do you currently have any condition or impairment (including but not limited to substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that in any way affects your ability to practice respiratory care in a competent, ethical, and professional manner? Yes ☐ No ☐ If yes, attach letter of explanation.

Are you currently a participant in any state board/designee monitoring program including alternative to discipline, diversion, or a peer assistance program? Yes ☐ No ☐ If yes, list state and designee program name. _____

EMPLOYMENT INFORMATION

PLACE OF EMPLOYMENT: _____ DATE OF EMPLOYMENT: _____

ADDRESS: _____
Street, PO Box, Apt #, etc

City State Zip Code

SUPERVISORY INFORMATION

NAME OF SUPERVISOR: _____ KY CERTIFICATE NUMBER: _____

SUPERVISOR'S AFFIDAVIT

I, the supervisor of the record for the above named candidate for limited mandatory certification do hereby agree to provide direct supervision for said candidate during the period this limited certificate and do acknowledge that I will be held accountable to the Board for the care given to this supervisee's patients. If for any reason, the conditions of this arrangement are changed, I will immediately notify the Board. Further, I do certify that my Kentucky credential as a respiratory care practitioner is current and will be maintained throughout the period of supervision.

Signature of Supervisor _____ Date _____

Contact Phone Number _____ Email Address _____

EDUCATIONAL INFORMATION (TO BE COMPLETED BY PROGRAM DIRECTOR)

IF ENROLLED IN AN OUT OF STATE INSTITUTION SUCH AS CALIFORNIA COLLEGE FOR HEALTH SCIENCES, SUBMIT VERIFICATION OF ENROLLMENT DIRECTLY FROM SCHOOL.

NAME OF PROGRAM DIRECTOR: _____ KY CERTIFICATE NUMBER: _____

SCHOOL OR COURSE YOU ARE PRESENTLY ATTENDING: _____

ADDRESS: _____
Street, P.O. Box, Apt #, etc.

City _____ State _____ Zip Code _____ Email _____

EXPECTED DATE OF COMPLETION OR GRADUATION: _____

In accordance with KRS 314A.205 and Administrative Regulation 201 KAR 29:010, Section 1(2) "the applicant shall have documented competency in a minimum of six (6) of the following areas as it relates to KRS 314A.010(8)".

Please indicate, by signature, in which areas the applicant has obtained documented competency:

_____ OXYGEN THERAPY

_____ ASSESSMENT OF PATIENTS CARDIOPULMONARY STATUS

_____ CARDIOPULMONARY RESUSCITATION

_____ ETHICS OF RESPIRATORY CARE AND MEDICAL CARE

_____ HUMIDITY THERAPY

_____ AEROSOL THERAPY

_____ AIRWAY CLEARANCE TECHNIQUES

_____ CHEST PHYSIOTHERAPY

_____ GAS THERAPY

_____ ARTERIAL PUNCTURE

PROGRAM DIRECTOR'S AFFIDAVIT

I, the Program Director for the named institution at which the above named candidate for limited mandatory certification is enrolled, do hereby affirm that the information provided in this section of this application is true and correct to the best of my

knowledge and belief.

If for any reason the conditions of the arrangement are changed, I will immediately notify the Board.

Signature of Program

Director _____ Date _____

Contact Phone Number _____ Email Address _____

APPLICANT'S AFFIDAVIT

I, the candidate for limited mandatory certification do hereby affirm that I am the person referred to in the foregoing application for a credential in Kentucky, that I personally completed it, or, if assisted by another, that I specifically directed all the entries and responses herein, that all statements contained herein and on all attachments are complete, true and accurate in every respect to the best of my knowledge, and that I have read and understand this application and all requirements stated herein. I voluntarily consent to a thorough investigation of my present and past employment and other activities for the purpose of verifying my qualifications for certification. If I become aware of any errors, omissions or needed changes regarding my entries and responses herein, I will notify board staff in writing within thirty (30) days. I agree to furnish the board with any information which may subsequently be requested for the purpose of verifying my qualifications. I understand that failure to comply with requirements for licensure, including the truthfulness and accuracy of this attestation, will subject this application to denial status at the discretion of the board. I have reviewed KRS Chapter 314A and 201 KAR Chapter 29, and I understand the limitations which the laws and regulations place on my activities and that by receiving the credential sought, I am responsible for conducting my practice in accordance with the laws and regulations. I understand that all information herein is subject to an audit for verification and that knowingly supplying false information on this application is a violation of KRS Chapter 314A and 201 KAR Chapter 29 and may subject me to the full range of disciplinary action described therein.

Signature of Applicant _____ Date _____

DO NOT WRITE BELOW THIS LINE -----FOR BOARD AND OFFICE USE ONLY

Application Fee Receipt	Board Review Date _____
Amount \$ _____ Date: _____	Approved _____ Denied _____
Check/MO # _____	Members _____
NBRC / State License Review _____	

<p style="text-align: center;">APPLICATION FOR MANDATORY CERTIFICATION AS A RESPIRATORY CARE PRACTITIONER</p>
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KRS Chapter 314A creates a mandatory certification requirement for all persons who practice respiratory care in the Commonwealth of Kentucky. The Kentucky Board of Respiratory Care is empowered to issue the necessary licenses and oversee the practice of respiratory care in the state. Attached is an application, which may be completed and sent, along with the appropriate fee and supporting documentation to the board for processing.

Eligibility for the mandatory certificate may be established by any one of the following two methods:

1. **NBRC Certification or Registry:** Furnishing the board with a copy of a certificate issued by the National Board for Respiratory Care, or its equivalent, which indicates certification or registry.
2. **Reciprocity:** Furnishing the board with a copy of a license or certificate held in another state whose qualifications are equal to or greater than those in Kentucky and a copy of a certificate issued by the National Board for Respiratory Care, or its equivalent, which indicates certification or registry.

The completed application should be sent along with a certification fee totaling \$150 to the board at the address on the front page of the application. The fee may be paid on the KBRC payment portal by going to the website at <https://kbrc.ky.gov> or by personal check, cashiers check, or money order made payable to the KENTUCKY STATE TREASURER. The certification fee is non-refundable. This fee is waived for active duty military personnel and their spouses, if they seek initial licensure in Kentucky based on reciprocity, meaning where the applicant is duly authorized to practice in another state, is in good standing in that state, and holds an RRT or CRT credential issued by the National Board for Respiratory Care, or its equivalent.

Additionally, those persons who have completed their educational training should use this application to apply for temporary permission to practice. A temporary permit may be issued to a person who has graduated from an approved educational program and is waiting to sit for the entry-level examination that will be administered by the National Board for Respiratory Care, or its equivalent. The completed application and appropriate documentation should be sent along with a temporary certification fee totaling \$102. The certification fee is non-refundable.

If you have questions regarding this process, please feel free to contact the office at (859) 246-2747.

Rev. 04/17/2025

Kentucky Board of Respiratory Care

1714 Perryville Rd. Ste 200

Danville, KY 40422

Phone (859) 246-2747 Fax (859) 246-2750

<https://kbrc.ky.gov>

APPLICATION FOR MANDATORY CERTIFICATE

Instructions:

1. Read the application and instructions carefully before filling out the application. Answer all questions. If the answer is "no" or "none," please indicate. If non-applicable, indicate N/A. If additional space is needed, attach separate sheets.
2. Please type or print.
3. Fee for Mandatory Certificate is \$150 and non-refundable if the application is denied. Checks for Mandatory (\$150) or Temporary (\$102) must be made payable to the KY STATE TREASURER and remit to KBRC.

NAME OF APPLICANT: _____
Last First Middle Initial

SOCIAL SECURITY NUMBER: _____ **DATE OF BIRTH:** _____ **SEX** M ☐ F ☐

HOME ADDRESS: _____
Street, P.O. Box, Apt. #, etc. County
City State ZIP Code Email

TELEPHONE NUMBER: Home: _____ Office: _____

CURRENT PLACE OF EMPLOYMENT: _____ **DATE OF EMPLOYMENT** _____

ADDRESS: _____
Street, P.O. Box, Apt. #, etc.
City State ZIP Code

FORMER PLACE OF EMPLOYMENT: _____

DATES OF EMPLOYMENT: _____ TO _____

ADDRESS: _____
Street, P.O. Box, Apt. #, etc.
City State ZIP Code

QUALIFICATIONS FOR CERTIFICATION

EDUCATION AND TRAINING:

List in chronological order beginning with high school, respiratory care training, programs accredited or recognized by the American Medical Association Committee on Allied Health Education and Accreditation in collaboration with the Joint Review Committee for Respiratory Therapy Education. Attach a copy of respiratory care training certificate if available.

NAME AND ADDRESS OF SCHOOL OR COURSE	DEGREE/ MAJOR	DATES OF ATTENDANCE	DATE OF GRADUATION

DOCUMENTATION OF CREDENTIALS AND/OR EXPERIENCE:

Candidates for mandatory certification must furnish one of the following in order to qualify for certification. Please indicate which method you will be using and attach the appropriate documentation to this application.

_____ **NBRC certification or registry.** A copy of the certificate issued by the National Board for Respiratory Care which indicates certification or registry.

_____ **Reciprocity.** A copy of a license or certificate held in another state or jurisdiction and a copy of the certificate issued by the National Board for Respiratory Care which indicates certification or registry.

_____ **Temporary permission to practice.** A copy of appropriate educational or training credential held.

Have you ever made application for certification or licensure to practice any profession and failed to receive same in Kentucky or any other state?

_____ yes _____ no If yes, give reason application was denied and provide a true and complete copy of the adverse determination.

Has your certification or license to practice any profession in Kentucky or any other state ever been suspended or revoked?

_____ yes _____ no If yes, give the reasons and provide a true and complete copy of the adverse determination. _____

Do you have any complaints currently pending against a certification or license held by you in Kentucky or any other state(s)?

_____ yes _____ no If yes, attach explanation(s) and a true and complete copy of all complaints.. _____

Have you ever been convicted of a felony, misdemeanor, or DUI? _____ yes _____ no If yes, provide a letter of explanation and provide a true and complete copy of the record of conviction, and state the offense(s)? _____

Do you currently have any condition or impairment (including but not limited to substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that in any way affects your ability to practice respiratory care in a competent, ethical, and professional manner? Yes ☐ No ☐ If yes, attach letter of explanation.

Are you currently a participant in any state board/designee monitoring program including alternative to discipline, diversion, or a peer assistance program? Yes ☐ No ☐ If yes, list state and designee program name.

MILITARY PERSONNEL AND THEIR SPOUSES

Are you, or is your spouse, currently active duty military personnel? Yes ☐ No ☐ If yes, are you currently duly authorized and in good standing to practice as a respiratory care practitioner in another state? Yes ☐ No ☐ If yes, do you hold a current and active RRT or CRT credential issued by the National Board for Respiratory Care (NBRC) or its equivalent? Yes ☐ No ☐

APPLICANT'S AFFIDAVIT

I do hereby affirm that I am the person referred to in the foregoing application for a credential in Kentucky, that I personally completed it, or, if assisted by another, that I specifically directed all the entries and responses herein, that all statements contained herein and on all attachments are complete, true and accurate in every respect to the best of my knowledge, and that I have read and understand this application and all requirements stated herein. I voluntarily consent to a thorough investigation of my present and past employment and other activities for the purpose of verifying my qualifications for certification. If I become aware of any errors, omissions or needed changes regarding my entries and responses herein, I will notify board staff in writing within thirty (30) days. I agree to furnish the board with any information which may subsequently be requested for the purpose of verifying my qualifications. I understand that failure to comply with requirements for licensure, including the truthfulness and accuracy of this attestation, will subject this application to denial status at the

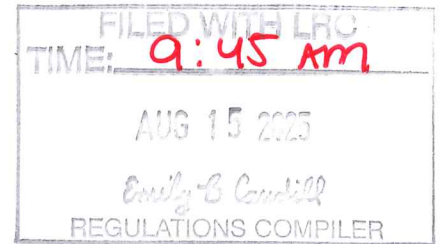
discretion of the board. I have reviewed KRS Chapter 314A and 201 KAR Chapter 29, and I understand the limitations which the laws and regulations place on my activities and that by receiving the credential sought, I am responsible for conducting my practice in accordance with the laws and regulations. I understand that all information herein is subject to an audit for verification and that knowingly supplying false information on this application is a violation of KRS Chapter 314A and 201 KAR Chapter 29 and may subject me to the full range of disciplinary action described therein.

Signature _____ Date _____

DO NOT WRITE BELOW THIS LINE -----FOR BOARD AND OFFICE USE ONLY

APPLICATION FEE RECEIPT	BOARD REVIEW DATE _____
Amount \$ _____ Date _____	Approved _____ Denied _____
Check/MO # _____	Members _____
NBRC /State License Review _____	

Cert. No. _____ Date _____	



1 GENERAL GOVERNMENT CABINET

2 Board of Respiratory Care

3 (Amendment)

4 201 KAR 29:015. Fees.

5 RELATES TO: KRS 314A.110, 314A.112, 314A.215, 314A.220

6 STATUTORY AUTHORITY: KRS 314A.205, 314A.220

7 CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies
8 with the requirements of 2025 RS HB 6, Section 8, because the amendments to this
9 administrative regulation will not have a major economic impact.

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 314A.205(3) requires the board to
11 promulgate administrative regulations to carry out the provisions of KRS Chapter 314A. KRS
12 314A.205(6) and 314A.220(2) require the board to establish appropriate and reasonable fees
13 for mandatory certification and to periodically review and modify those fees. This
14 administrative regulation establishes all fees charged by the board.

15 Section 1. Application and Certification Fees Schedule.

16 (1) The application and certification fee for mandatory certification shall be \$150.

17 (2) The application and certification fee for temporary mandatory certification shall be \$102.

18 (3) The application and certification fee for limited mandatory certification shall be \$60~~[sixty~~
19 ~~(60) dollars]~~.

Section 2. Renewal Fees.

(1) A person holding a mandatory certificate wishing to renew the mandatory certificate shall submit:

(a) A completed Application for Renewal; and

(b) The appropriate renewal fee:

1. For active mandatory certification, \$135.

2. For inactive mandatory certification, \$50~~[fifty (50) dollars]~~.

(2) All mandatory certificates not renewed by January 30 shall be deemed expired. For certificates that expire if not renewed on or before January 30 of even numbered years, the renewal period shall begin on November 1 of each odd numbered calendar year and shall end on January 30 of the next year. For certificates that expire if not renewed on or before January 30 of odd numbered years, the renewal period shall begin on November 1 of each even numbered calendar year and shall end on January 30 of the next year.

(3) Temporary mandatory certificates and limited mandatory certificates shall be ineligible for renewal.

(4) For any active duty military personnel, or the spouse of any active duty military personnel, the board waives the application fee for an initial mandatory certificate to practice respiratory care in the Commonwealth of Kentucky so long as said application is made pursuant to KRS 314A.110(4), and the applicant is duly authorized to practice in another state, is in good standing in that state, and holds an RRT or CRT credential issued by the National Board for Respiratory Care, or its equivalent.

Section 3. Reactivation and Reinstatement.

(1) A certificate holder wishing to reactivate an inactive certificate shall submit:

(a) A completed Application for Reactivation; and

(b) The \$135 reactivation fee.

(2) A certificate holder wishing to reinstate an expired certificate shall submit:

(a) A completed Application for Reinstatement; and

(b) The \$200 reinstatement fee.

Section 4. All fees shall be nonrefundable

Section 5. Fees set forth this regulation shall not be prorated based upon the date of receipt or processing of the application; however, if approval of an application for reactivation or reinstatement occurs during a certificate holder's renewal period, the reactivation or reinstatement shall satisfy renewal requirements for that renewal period.

Section 6~~[Section 5]~~. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Reactivation", 4/17/2025~~[August 2019]~~; and

(b) "Application for Reinstatement", 4/17/2025~~[August 2019]~~; and

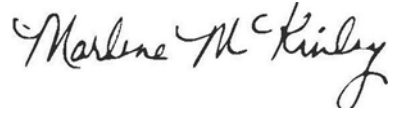
(c) "Application for Renewal", 4/17/2025~~[August 2019]~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Respiratory Care, 1714 Perryville Road, Suite 200, Danville, KY 40422~~[163 W. Short Street, Suite 350, Lexington, Kentucky, 40507]~~, Monday through Friday, 8:00~~[8:30]~~ a.m. to 4:30 p.m. EST. This material is also available at <https://kbrc.ky.gov/Pages/Applications-and-Forms.aspx#apps>.

Amended Administrative Regulation

201 KAR 29:015. Activities under limited mandatory certification.

Adopted: April 17, 2025

A handwritten signature in black ink that reads "Marlene McKinley". The signature is written in a cursive style with a large, stylized "M" and "K".

Marlene McKinley, RRT, Board Chair
Kentucky Board of Respiratory Care

April 17, 2025

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on October 28, 2025 at 10:00 AM at the Kentucky Board of Respiratory Care, 1712 Perryville Rd, Suite 200, Danville, KY 40422. Individuals interested in being heard at this hearing shall notify this agency in writing by October 21, 2025, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON:

Morgan G. Ransdell, Board Attorney
Kentucky Board of Respiratory Care
1712 Perryville Rd, Suite 200
Danville, KY 40422
Phone: (502) 665-9600
Email: Morgan.Ransdell@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 29:015

Contact Person: Morgan G. Ransdell

Phone: (502) 665-9600

Email: Morgan.Ransdell@ky.gov

Subject Headings: Boards and Commissions, Respiratory Care, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes all fees charged by the board.

(b) The necessity of this administrative regulation: KRS 314A.205(3) requires the board to promulgate administrative regulations to carry out the provisions of KRS Chapter 314A. KRS 314A.205(6) and 314A.220(2) require the board to establish appropriate and reasonable fees for mandatory certification and to periodically review and modify those fees.

(c) How this administrative regulation conforms to the content of the authorizing statutes: By establishing all fees charged by the board.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By establishing all fees charged by the board.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment clarifies the biennial renewal cycle, specifies that fees are not prorated based upon date of an application, and waives, for active duty military members and their spouses, the application fee for an initial mandatory certificate to practice by endorsement from another state.

(b) The necessity of the amendment to this administrative regulation: The waiver of fees for active duty military members and their spouses who hold active certification in another state is mandated by KRS 12.357. The clarification of the biennial renewal cycle and fixed nature of fees notwithstanding the date of application is necessary pursuant to KRS 446.084, which mandates by implication a requirement for clear and accurate regulations.

(c) How the amendment conforms to the content of the authorizing statutes: By bringing the regulation into conformity with KRS 12.357, and by clarifying the renewal cycle and the rule that certification fees are not prorated.

(d) How the amendment will assist in the effective administration of the statutes: By bringing the regulation into conformity with KRS 12.357, and by clarifying the renewal cycle and the rule that certification fees are not prorated.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements KRS 12.357.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The 4141 active credential holders subject to the Board's regulatory authority, the 195 inactive credential holders, and future

applicants for initial licensure or reinstatement.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: An active duty military member or their spouse, when seeking waiver of fees for initial certification by endorsement, will need to provide proof of an RRT or CRT credential issued by the National Board for Respiratory Care, or its equivalent, authorization to practice in another state, and good standing in that state.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Nothing, as the amendment brings the regulation into conformity with KRS 12.357 by eliminating the cost imposed upon active duty military members and their spouses when seeking initial certification by endorsement from another state.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The amendment brings the regulation into conformity with KRS 12.357 by eliminating the cost imposed upon active duty military members and their spouses when seeking initial certification by endorsement from another state.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There are no monetary costs associated with the implementation of the amendment, either initially or on an ongoing basis, as the agency has at all times complied with KRS 12.357. The other amendments to the regulation will have no fiscal impact on the agency.

(b) On a continuing basis: The collective fiscal impact of the waiver of fees for active duty military members and their spouses is nominal. The other amendments to the regulation will have no fiscal impact on the agency.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fee increase or funding is required.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: It does not.

(10) TIERING: Is tiering applied? Tiering is not applied and is not needed given the context and substance of the regulation.

FISCAL IMPACT STATEMENT

201 KAR 29:015

Contact Person: Morgan G. Ransdell

Phone: (502) 665-9600

Email: Morgan.Ransdell@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314A.205, 314A.220.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act. KRS 314A.205(3) requires the board to promulgate administrative regulations to carry out the provisions of KRS Chapter 314A. KRS 314A.205(6) and 314A.220(2) require the board to establish appropriate and reasonable fees for mandatory certification and to periodically review and modify those fees.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Respiratory Care.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: The amendment will not impact expenditures.

For subsequent years: The amendment will not impact expenditures.

2. Revenues:

For the first year: The amendment will not impact revenues.

For subsequent years: The amendment will not impact revenues.

3. Cost Savings:

For the first year: The amendment will not impact cost savings.

For subsequent years: The amendment will not impact cost savings.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):: Licensure applicants and licensees.

(a) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: The amendment will not necessitate expenditures.

For subsequent years: The amendment will not necessitate expenditures.

2. Revenues:

For the first year: No revenues to estimate.

For subsequent years: No revenues to estimate.

Cost Savings:

For the first year: No cost savings for regulated entities.

For subsequent years: No cost savings for regulated entities.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: The amendment will not have a fiscal impact on the entities identified in (3)(a), (4)(a), and (5)(a).

(b) Methodology and resources used to determine the fiscal impact: None.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact as it relates to the entities identified in (3)(a), (4)(a), and (5)(a) .

(b) The methodology and resources used to reach this conclusion: None.

Summary of Material Incorporated by Reference

201 KAR 29:015. Fees.

- (a) “Application for Reactivation”, 4/17/2025;
- (b) “Application for Reinstatement”, 4/17/2025; and
- (c) “Application for Renewal”, 4/17/2025.

Summary of Changes to Material Incorporated by Reference

(a) The “Application for Reactivation” has been updated with the new agency address, and to utilize uniform queries to seek disclosure regarding: (a) denial, suspension, revocation of any application for professional licensure nationwide; (b) pending licensure discipline complaints, (c) misdemeanor/DUI convictions; (d) impairment that in any way affects the ability to practice respiratory care in a competent, ethical and professional manner; and (e) current participation in a monitoring/alternative to discipline/diversion/peer assistance program.

(b) The “Application for Reinstatement” has been updated with the new agency address, and to utilize uniform queries to seek disclosure regarding: (a) denial, suspension, revocation of any application for professional licensure nationwide; (b) pending licensure discipline complaints, (c) misdemeanor/DUI convictions; (d) impairment that in any way affects the ability to practice respiratory care in a competent, ethical and professional manner; and (e) current participation in a monitoring/alternative to discipline/diversion/peer assistance program.

(c) The “Application for Renewal” has been updated with the new agency address, and to utilize uniform queries to seek disclosure regarding: (a) denial, suspension, revocation of any application for professional licensure nationwide; (b) pending licensure discipline complaints, (c) misdemeanor/DUI convictions; (d) impairment that in any way affects the ability to practice respiratory care in a competent, ethical and professional manner; and (e) current participation in a monitoring/alternative to discipline/diversion/peer assistance program. Also, the portion of the renewal application that queries applicants to list each individual continuing education program attended during the two-year certification has been removed.

Kentucky Board of Respiratory Care
1714 Perryville Rd. Ste 200
Danville, KY 40422

Phone (859) 246-2747 Fax (859) 246-2750

APPLICATION FOR REACTIVATION

Please type or print:

1. Name:		Social Security Number:
2. Address:		
County:		Email:
3. Work Phone Number:		4. Home Phone Number:
5. Name license was issued under:		License Number:
6. Do you currently hold a license to practice respiratory care in any other state(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach copy of each license.		
7. Do you have any complaints currently pending against a certification or license held by you in Kentucky or any other state(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach explanation(s) and a true and complete copy of all complaints.		
8. Have you been convicted of any felony, misdemeanor or DUI since your most recent application filed with the Ky. Board of Respiratory Care? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach explanation(s) and a true and complete copy of each record of conviction.		
9. Has your certification or license to practice any profession in Kentucky or any other state been suspended or revoked since your most recent application filed with the Ky. Board of Respiratory Care? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach explanation and a true and complete copy of the adverse determination.		
10. Have you made application for certification or licensure to practice any profession in any state and failed to receive same, since your most recent application filed with the Ky. Board of Respiratory Care? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach explanation and a true and complete copy of the adverse determination.		
11. Do you currently have any condition or impairment (including but not limited to substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that in any way affects your ability to practice respiratory care in a competent, ethical, and professional manner? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, attach letter of explanation.		
12. Are you currently a participant in any state board/designee monitoring program including alternative to discipline, diversion, or a peer assistance program? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, list state and designee program name.		
13. Date when your Kentucky License was Inactivated?		
14. List all places of employment and dates since your license inactivated in Kentucky:		
15. Attach reactivation fee of \$135 made payable to the Kentucky State Treasurer.		
16. Attach evidence of completion of twenty-four hours of continuing education in the past twenty-four months.		

ATTESTATION

I hereby affirm that I am the person referred to in the foregoing application for a credential in Kentucky, that I personally completed it, or, if assisted by another, that I specifically directed all the entries and responses herein, that all statements contained herein and on all attachments are complete, true and accurate in every respect to the best of my knowledge, and that I have read and understand this application and all requirements stated herein. I voluntarily consent to a thorough investigation of my present and past employment and other activities for the purpose of verifying my qualifications for certification. If I become aware of any errors, omissions or needed changes regarding my entries and responses herein, I will notify board staff in writing within thirty (30) days. I agree to furnish the board with any information which may subsequently be requested for the purpose of verifying my qualifications. I understand that failure to comply with requirements for licensure, including the truthfulness and accuracy of this attestation, will subject this application to denial status at the discretion of the board. I have

reviewed KRS Chapter 314A and 201 KAR Chapter 29, and I understand the limitations which the laws and regulations place on my activities and that by receiving the credential sought, I am responsible for conducting my practice in accordance with the laws and regulations. I understand that all information herein is subject to an audit for verification and that knowingly supplying false information on this application is a violation of KRS Chapter 314A and 201 KAR Chapter 29 and may subject me to the full range of disciplinary action described therein.

SIGNATURE: _____ **DATE:** _____

DO NOT WRITE BELOW THIS LINE-----FOR BOARD USE ONLY

Application Fee Receipt: _____	Board Review Date _____
Amount: \$ _____	Approved: _____ Denied: _____
Check/MO# _____	Board Members Initials: _____
NBRC Disciplinary Database reviewed _____	

Kentucky Board of Respiratory Care

1714 Perryville Rd. Ste 200

Danville, KY 40422

Phone (859) 246-2747 Fax (859) 246-2750

APPLICATION FOR REINSTATEMENT

Please type or print:

1. Name:			Social Security Number:
2. Address:			
County:		Email:	
3. Work Phone Number:	4. Home Phone Number:		
5. Name license was issued under:	License Number:		
6. Do you currently hold a license to practice respiratory care in any other state(s)? [] Yes [] No If yes, attach copy of each license.			
7. Do you have any complaints currently pending against a license held by you in any other state(s)? [] Yes [] No If yes, attach explanation(s) and a true and complete copy of all complaints.			
8. Have you been convicted of any felony, misdemeanor or DUI since your most recent application filed with the Ky. Board of Respiratory Care? [] Yes [] No If yes, attach explanation(s) and a true and complete copy of each record of conviction.			
9. Has your certification or license to practice any profession in Kentucky or any other state been suspended or revoked since your most recent application filed with the Ky. Board of Respiratory Care? [] Yes [] No If yes, attach explanation and a true and complete copy of the adverse determination.			
10. Have you made application for certification or licensure to practice any profession in any state and failed to receive same, since your most recent application filed with the Ky. Board of Respiratory Care? [] Yes [] No If yes, attach explanation and a true and complete copy of the adverse determination.			
11. Do you currently have any condition or impairment (including but not limited to substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that in any way affects your ability to practice respiratory care in a competent, ethical, and professional manner? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, attach letter of explanation.			
12. Are you currently a participant in any state board/designee monitoring program including alternative to discipline, diversion, or a peer assistance program? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, list state and designee program name.			
13. Date when your Kentucky License expired?			
14. List all places of employment and dates since your license expired in Kentucky:			
15. Attach reinstatement fee of \$200.00 made payable to the Kentucky State Treasurer.			
16. Attach evidence of completion of twenty-four hours of continuing education in the past twenty-four months.			

ATTESTATION

I hereby affirm that I am the person referred to in the foregoing application for a credential in Kentucky, that I personally completed it, or, if assisted by another, that I specifically directed all the entries and responses herein, that all statements contained herein and on all attachments are complete, true and accurate in every respect to the best of my knowledge, and that I have read and understand this application and all requirements stated herein. I voluntarily consent to a thorough investigation of my present and past employment and other activities for the purpose of verifying my qualifications for certification. If I become aware of any errors, omissions or needed changes regarding my entries and responses herein, I will notify board staff in writing within thirty (30) days. I agree to furnish the board with any information which may subsequently be requested for the purpose of verifying my qualifications. I understand that failure to comply with requirements for licensure, including the truthfulness and accuracy of this attestation, will subject this application to denial status at the discretion of the board. I have reviewed KRS Chapter 314A and 201 KAR Chapter 29, and I understand the limitations which the laws and regulations place on my activities and that by receiving the credential sought, I am responsible for conducting my practice in accordance with the laws and regulations. I understand that all information herein is subject to an audit for verification and that knowingly supplying false information on this application is a violation of KRS Chapter 314A and 201 KAR Chapter 29 and may subject me to the full range of disciplinary action described therein.

SIGNATURE: _____ **DATE:** _____

Do Not Write Below This Line - For Board Use Only

Fee Receipt Date: _____	Approved: _____	Denied: _____
Amount: \$ _____	Board Review Date: _____	
Check/MO# _____	Members: _____	
NBRC / State License Review: _____		

KENTUCKY BOARD OF RESPIRATORY CARE

1714 Perryville Rd. Ste.200
 Danville, KY 40422
 Phone (859) 246-2747 Fax (859) 246-2750
<http://kbrc.ky.gov>

APPLICATION FOR RENEWAL

Name: _____ Address: _____ City: _____, State: _____ Zip: _____ Certificate No: # _____ Current Status: ACTIVE _____ INACTIVE _____	FOR BOARD USE ONLY Check # _____ Check amt _____ <input type="checkbox"/> MANDATORY CERT. (\$135) <input type="checkbox"/> INACTIVE STATUS (\$50)
--	--

Your mandatory certification will expire **01/30/2025**. You are required to submit this completed renewal form, along with the appropriate renewal fee as delineated below:

Renew prior to January 30 **\$135**
 Reinstatement after January 30 **\$200**

After January 30th your mandatory certification is expired and by law, you cannot practice respiratory care until reinstated. You must complete a reinstatement application; submit the **\$200.00** fee and proof of 24 hours of continuing education. Checks should be made to the **Kentucky State Treasurer**.

You may request **Inactive Status** if you are **not** employed but wish to maintain your mandatory certification. Please be advised that you cannot practice respiratory care on inactive status. Submit this completed form, along with the **\$50** fee for processing and mark appropriate section on back of form.

1. *NAME _____ EMAIL _____

*ADDRESS _____

*CITY _____ *STATE _____ *ZIP CODE _____

COUNTY _____ *PHONE (_____) _____ - _____

2. Present employers name, address and phone number:

NAME _____

ADDRESS _____

PHONE (_____) _____ - _____

3. *SOCIAL SECURITY NUMBER _____

4. *Have you been charged with, convicted of, or pled guilty to a felony, misdemeanor or DUI since your most recent application filed with the Ky. Board of Respiratory Care?

_____ YES (_____ No If yes, attach a letter of explanation and a true and complete copy of each record of conviction, or the charging document if the charges are pending but no conviction has occurred.

5. Has your certification or license to practice any profession in Kentucky or any other state been suspended or revoked since your most recent application filed with the Ky. Board of Respiratory Care? [] Yes [] No If yes, attach explanation and a true and complete copy of the adverse determination.

6. Have you made application for certification or licensure to practice any profession in any state and failed to receive same, since your most recent application filed with the Ky. Board

of Respiratory Care? [☐] Yes [☐] No If yes, attach explanation and a true and complete copy of the adverse determination.

7. Do you have any complaints currently pending against a certification or license held by you in Kentucky or any other state(s)? [☐] Yes [☐] No If yes, attach explanation(s) and a true and complete copy of all complaints.

Application must be completed in full and signed; otherwise the renewal will not be processed. (*) Information that is required in order to process.

ATTESTATION

I certify that I am the person referred to in the foregoing application for a credential in Kentucky, that I personally completed it, or, if assisted by another, that I specifically directed all the entries and responses herein, that all statements contained herein and on all attachments are complete, true and accurate in every respect to the best of my knowledge, and that I have read and understand this application and all requirements stated herein. I voluntarily consent to a thorough investigation of my present and past employment and other activities for the purpose of verifying my qualifications for certification. If I become aware of any errors, omissions or needed changes regarding my entries and responses herein, I will notify board staff in writing within thirty (30) days. I agree to furnish the board with any information which may subsequently be requested for the purpose of verifying my qualifications. I understand that failure to comply with requirements for licensure, including the truthfulness and accuracy of this attestation, will subject this application to denial status at the discretion of the board. I have reviewed KRS Chapter 314A and 201 KAR Chapter 29, and I understand the limitations which the laws and regulations place on my activities and that by receiving the credential sought, I am responsible for conducting my practice in accordance with the laws and regulations. I understand that all information herein is subject to an audit for verification and that knowingly supplying false information on this application is a violation of KRS Chapter 314A and 201 KAR Chapter 29 and may subject me to the full range of disciplinary action described therein.

I understand and attest that, based on 201 KAR 29:050(2), by December 31 of the year preceding my upcoming January 30 biennial renewal deadline, I am required to obtain, and will have obtained, 24 CEUs for the biennial certification period, and that each of my CEUs will comply with one of the following requirements:

- (1) Academic courses appropriate for the respiratory care practitioner employed in the areas of clinical practice, administration, education, or research, which have been approved by the board or its designee, with a respiratory care course number of 400 or greater, intended for students who have already received an associates degree or bachelor's degree in respiratory care, and who have already passed an NBRC or its equivalent entry-level certification examination, with one (1) credit hour equaling fifteen (15) continuing education units;
- (2) American Association of Respiratory Care (AARC) approved CEUs;
- (3) CEUs approved by the Kentucky Board of Respiratory Care; or
- (4) CEUs for instructors who present scientific and educational lectures, workshops, or seminars on the subject of respiratory care, with instructors receiving double the Board or AARC approved CEUs earned by attendees; however, credit shall not be earned for repeated instruction of the same course during the same biennial certification period.

Do not mail CEU documentation unless requested.

Total # of CEU's _____

You must **maintain documentation** of all completed continuing education programs and all other continuing education which you have obtained, for a 3-year period.

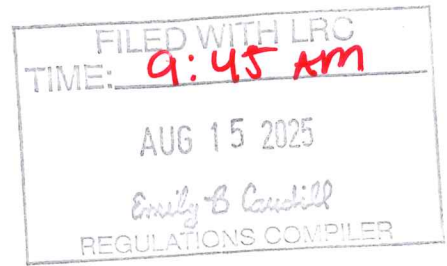
_____ Remaining on Inactive Status (no continuing education required)

_____ Requesting Inactive Status (no continuing education required)

I hereby certify that all information provided by me on this form is true and correct to the best of my knowledge.

*** Signature**

*** Date**



1 GENERAL GOVERNMENT CABINET

2 Board of Respiratory Care

3 (Amendment)

4 201 KAR 29:020. Code of ethics; unprofessional conduct.

5 RELATES TO: KRS 314A.200(5), 314A.205(4)~~[13A.205(4), 314A.200(5)]~~, 314A.225

6 STATUTORY AUTHORITY: KRS 314A.200(5), 314A.205(3), 314A.225

7 CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies
8 with the requirements of 2025 RS HB 6, Section 8, because the amendments to this
9 administrative regulation will not have a major economic impact.

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 314A.225 requires the board to promulgate
11 administrative regulations defining unprofessional conduct, establishing a code of ethics, and
12 grounds for removal of board members. This administrative regulation sets forth codes of
13 ethics and unprofessional conduct, as well as grounds for removing board members.

14 Section 1. The following code of ethics consists of general guidelines which embody certain
15 standards of practice for the respiratory care practitioner. The respiratory care practitioner
16 shall practice within the parameters of this code of ethics. The respiratory care practitioner
17 shall:

18 (1) Continually strive to increase and improve their~~[his or her]~~ knowledge and skill and
19 render to each patient the full measure of their~~[his or her]~~ ability;

(2) Provide services with respect for the dignity of the patient, unrestricted by considerations of social or economic status, personal attributes, or the nature of health problems;

(3) Be responsible for the competent and efficient performance of ~~their~~^{his or her} assigned duties and shall expose incompetence and illegal or unethical conduct of members of the profession;

(4) Hold in strict confidence all privileged information concerning ~~any~~^{the} patient, except as authorized or required by law, and refer all inquiries to the physician in charge of the patient's medical care;

(5) Uphold the dignity and honor of the profession and abide by its ethical principles;

(6) Be familiar with existing state and federal laws governing the practice of respiratory care and comply with those laws;

(7) Cooperate with other health care professionals and participate in activities to promote community, state, and national efforts to meet the health needs of the public.

Section 2. Unprofessional conduct in the practice of respiratory care shall include the following acts by a person credentialed by this board, and these acts may be grounds for the denial of an application seeking issuance of a credential by the board:

(1) Violating any of the provisions of KRS Chapter 314A or the administrative regulations adopted thereunder;

(2) Committing any unfair, false, misleading, or deceptive act or practice;

(3) Being unfit or incompetent to practice~~Acting incompetently or negligently in the practice of~~ respiratory care by reason of negligence or other causes, including but not limited to, being unable to practice respiratory care with reasonable skill or safety;

(4) Practicing respiratory care while under the suspension, revocation, or restriction of the individual's certification by competent authority in any state, federal, or foreign jurisdiction;

(5) Unlawfully failing to cooperate with the board by:

(a) Not furnishing any papers or documents requested by the board;

(b) Not furnishing in writing a complete explanation covering the matter contained in the complaint filed with the board;

(c) Not appearing before the board at the time and place designated; or

(d) Not properly responding to subpoenas issued by the board.

(6) Failing to comply with an order issued by the board or an agreed order established with the board;

(7) Aiding or abetting an uncertified person to practice respiratory care when a certificate is required;

(8) Practicing beyond the scope of practice set forth in KRS 314A.100;

(9) Failing to provide adequate supervision to persons holding a limited or temporary certification;

(10) Being convicted of any misdemeanor or felony relating to the practice of respiratory care, if in accordance with KRS Chapter 334B. For purposes of this subsection, conviction includes all instances in which a plea of nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended;

(11) Physically abusing or having sexual contact with a patient or client;

(12) Accepting by any means, a valuable consideration or gratuity of any kind in return for preferential consideration or treatment of a patient;

(13) Practicing respiratory care while intoxicated or under the influence of alcohol or other mind-altering or mood-altering drugs not prescribed by a licensed physician;

(14) Engaging in any immoral conduct in the practice of respiratory care;

(15) Not informing the board in writing of any changes to the certificate holder's~~licensee's~~ permanent mailing address, e-mail address, or place of employment within twenty (20) days; ~~and~~

(16) Failing to inform the board in writing within thirty (30) days of facts:

(a) supported by observation or direct knowledge, indicating that another certificate holder has violated any provision of KRS 314A.225, 201 KAR 29:020 or 201 KAR 29:070; or

(b) of one's own violations of any provision of KRS 314A.225, 201 KAR 29:020 or 201 KAR 29:070;

(17) Failing to inform the board in writing, within thirty (30) days of the conviction, of any felony, misdemeanor or DUI conviction, including dispositions arising from a plea of "no contest" or nolo contendere, by providing the record of conviction and a letter of explanation;

Violating the code of ethics adopted by the board.

(18) Abusing controlled substances, prescription medications, illegal substances, or alcohol;

(19) Having a license, privilege, or credential to practice as a respiratory care practitioner denied, limited, suspended, probated, revoked, or otherwise disciplined in another jurisdiction on grounds sufficient to cause a license or privilege to be denied, limited, suspended, probated, revoked, or otherwise disciplined in this Commonwealth, including nonpayment of child support;

(20) Using or possessing a Schedule I controlled substance, except when in accordance with KRS Chapter 218B; and

1 (21) Violating the code of ethics adopted by the board.

2 Section3. Reasons for Removal of Board Member.

3 (1) A board member may be removed by the board by majority vote of the board if the
4 member has:

5 (a) Been convicted of felony;

6 (b) Had their~~[his or her]~~ certification to practice respiratory care or license to practice
7 medicine suspended or revoked; or

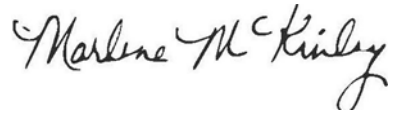
8 (c) Missed three (3) or more consecutive board meetings and those absences are deemed
9 unexcused by a majority vote of the board.

10 (2) Upon an affirmative vote by the board to remove a member, the board shall notify the
11 Governor of the action.

Amended Administrative Regulation

201 KAR 29:020. Activities under limited mandatory certification.

Adopted: April 17, 2025

A handwritten signature in black ink that reads "Marlene McKinley". The signature is written in a cursive style with a large, stylized "M" and "K".

Marlene McKinley, RRT, Board Chair
Kentucky Board of Respiratory Care

April 17, 2025

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on October 28, 2025 at 10:00 AM at the Kentucky Board of Respiratory Care, 1712 Perryville Rd, Suite 200, Danville, KY 40422. Individuals interested in being heard at this hearing shall notify this agency in writing by October 21, 2025, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON:

Morgan G. Ransdell, Board Attorney
Kentucky Board of Respiratory Care
1712 Perryville Rd, Suite 200
Danville, KY 40422
Phone: (502) 665-9600
Email: Morgan.Ransdell@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 29:020

Contact Person: Morgan G. Ransdell

Phone: (502) 665-9600

Email: Morgan.Ransdell@ky.gov

Subject Headings: Boards and Commissions, Respiratory Care, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth codes of ethics and unprofessional conduct, as well as grounds for removing board members.

(b) The necessity of this administrative regulation: KRS 314A.225 requires the board to promulgate administrative regulations defining unprofessional conduct, establishing a code of ethics, and grounds for removal of board members.

(c) How this administrative regulation conforms to the content of the authorizing statutes: By setting forth codes of ethics and unprofessional conduct, as well as grounds for removing board members.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By setting forth codes of ethics and unprofessional conduct, as well as grounds for removing board members.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment exempts disclosures required by law from the confidentiality provision. The amendment enumerates types of unprofessional conduct may be grounds for denial of an application. The amendment broadens the incompetent/negligent practice prohibition in conformity with Americans With Disabilities Act of 1990. The amendment adds KRS Chapter 335B and “no contest” references to the conviction provision. The amendment requires licensee to notify KBRC of an email address. The amendment requires reporting of another licensee’s or one’s own violation of KRS 314A.225, 201 KAR 29:020 or 201 KAR 29:070. The amendment requires reporting of any felony, misdemeanor or DUI conviction within 30 days. The amendment defines abuse of drugs or alcohol, or use/possession of any Schedule 1 controlled substance other than lawfully prescribed medical cannabis as unprofessional conduct. The amendment defines disciplinary actions by other agencies as proof of unprofessional conduct.

(b) The necessity of the amendment to this administrative regulation: Mandatory reporting of convictions and disciplinary actions of other professional licensing or certification agencies is both a necessary and logical extension of the provisions of KRS 314A.225 that make such occurrences a proper subject for an agency disciplinary action. As with the existing treatment of convictions, the amendment assigns a presumption of validity to the final determinations of licensure and certification agencies in other states. This is necessary for reasons of practicality, comity, and reciprocity. The amendment makes drug abuse, possession of Schedule I drugs, and substance use disorder actionable in conformity with Americans With Disabilities Act of 1990, which is necessary to protect the public and uphold the integrity of the profession. The

amendment eliminates ambiguity, which is necessary per KRS 446.084.

(c) How the amendment conforms to the content of the authorizing statutes: By clarifying the ethical and professional standards the agency is charged with enforcing, for the purpose of protecting both the public and the integrity of the profession.

(d) How the amendment will assist in the effective administration of the statutes: By clarifying the ethical and professional standards the agency is charged with enforcing, for the purpose of protecting both the public and the integrity of the profession.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The 4141 active credential holders subject to the Board's regulatory authority, the 195 inactive credential holders, and future applicants for initial licensure or reinstatement.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The amendment requires certificate holders to self-report violations of KRS 314A.225, 201 KAR 29:020 or 201 KAR 29:070, and to report violations of these provisions by other certificate holders where the knowledge of the violation is supported by observation or direct knowledge.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The amendment does not impose any new costs upon the persons identified in question (4).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The amendment will facilitate the dual benefits of protecting the public and the integrity of the profession of respiratory care practitioner.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There are no monetary costs associated with the implementation of the amendment, either initially or on an ongoing basis.

(b) On a continuing basis: There are no monetary costs associated with the implementation of the amendment, either initially or on an ongoing basis.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fee increase or funding is required.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: It does not.

(10) TIERING: Is tiering applied? Tiering is not applied and is not needed given the context and substance of the regulation.

FISCAL IMPACT STATEMENT

201 KAR 29:020

Contact Person: Morgan G. Ransdell

Phone: (502) 665-9600

Email: Morgan.Ransdell@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314A.200(5), 314A.205(3), 314A.225.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act. KRS 314A.205(3) expressly authorizes the agency to promulgate administrative regulations to carry out the purposes of the KRS Chapter 314A.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Respiratory Care.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: The amendment will not impact expenditures.

For subsequent years: The amendment will not impact expenditures.

2. Revenues:

For the first year: The amendment will not impact revenues.

For subsequent years: The amendment will not impact revenues.

3. Cost Savings:

For the first year: The amendment will not impact cost savings.

For subsequent years: The amendment will not impact cost savings.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Licensure applicants and licensees.

(a) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: The amendment will not necessitate expenditures.

For subsequent years: The amendment will not necessitate expenditures.

2. Revenues:

For the first year: No revenues to estimate.

For subsequent years: No revenues to estimate.

Cost Savings:

For the first year: No cost savings for regulated entities.

For subsequent years: No cost savings for regulated entities.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

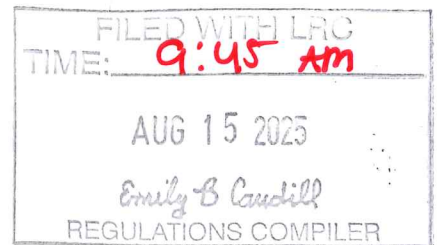
(a) Fiscal impact of this administrative regulation: The amendment will not have a fiscal impact on the entities identified in (3)(a), (4)(a), and (5)(a).

(b) Methodology and resources used to determine the fiscal impact: None.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact as it relates to the entities identified in (3)(a), (4)(a), and (5)(a) .

(b) The methodology and resources used to reach this conclusion: None.



1 GENERAL GOVERNMENT CABINET

2 Board of Respiratory Care

3 (Amendment)

4 201 KAR 29:030. Complaint processing procedures.

5 RELATES TO: KRS 314A.225

6 STATUTORY AUTHORITY: KRS 314A.205(3)

7 CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies
8 with the requirements of 2025 RS HB 6, Section 8, because the amendments to this
9 administrative regulation will not have a major economic impact.

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 314A.205(1) requires the board to
11 investigate persons engaging in practices which violate the provisions of KRS Chapter 314A. This
12 administrative regulation establishes the detailed procedures for the investigation and
13 disposition of complaints received by the board.

14 Section 1. Definitions.

15 (1) "Chairperson" means the presiding official of the board, or the presiding official's
16 designee when the chairperson is absent or has recused themselves from consideration of a
17 specific matter.

1 (2) [~~"Charge" means a specific allegation contained in a formal complaint issued by the board~~
2 ~~alleging a violation of a specified provision of KRS Chapter 314A or the administrative regulations~~
3 ~~promulgated thereunder.~~

4 ~~—(3)—~~"Complaint" means any written allegation alleging misconduct which might constitute a
5 violation of KRS Chapter 314A or 201 KAR Chapter 29.~~[the administrative regulations~~
6 ~~promulgated thereunder by a certified individual or other person.~~

7 ~~—(4)—~~"Formal complaint" means a formal administrative pleading authorized by the board which
8 sets forth charges against a certified individual or other person and commences a formal
9 disciplinary proceeding.

10 ~~—(5)—~~(3) "Hearing officer" means the person designated and given authority by the board to
11 preside over all proceedings following~~[pursuant to]~~ the issuance of a notice of hearing and
12 statement of charges pursuant to KRS 13B.050~~[any formal complaint.~~

13 ~~—(6)—~~"Informal proceedings" means the proceedings instituted at any stage of the disciplinary
14 process with the intent of reaching an informal dispensation of any matter without further
15 recourse to formal disciplinary procedures.

16 ~~—(7)—~~"Investigative assistant" means an appropriately-certified individual designated by the
17 board to assist the board's attorney in the investigation of a complaint or an investigator
18 employed by the Attorney General or the board].

19 Section 2. Reception of Complaints; Investigations.

20 (1) A complaint may be submitted by an individual, organization, or entity. A complaint shall
21 be in writing, [and shall be] signed by the person offering the complaint unless submitted
22 anonymously, and shall allege acts that may be in violation of the provisions of KRS Chapter 314A

1 or 201 KAR Chapter 29 by the named certificate holder, applicant, or unlicensed individual against
2 whom the complaint was made. ~~[The board may also file a complaint based on information in its~~
3 ~~possession.]~~

4 (2) If the board receives an anonymous complaint, an investigation shall be conducted if the
5 complaint is accompanied by sufficient corroborating evidence, or if such evidence is readily
6 available, as would allow the board to believe, based upon a totality of the circumstances, that a
7 reasonable probability exists that the complaint is meritorious.

8 (3) The chairperson of the board, the executive director or designee shall file an agency-
9 initiated complaint based upon information received by oral, telephone, or written
10 communications if the facts of the complaint are found to be accurate and indicate acts that may
11 be in violation of the provisions of KRS Chapter 314A or 201 KAR Chapter 29.

12 (4) With the exception of a self-report or an application that discloses a violation of KRS
13 Chapter 314A or 201 KAR Chapter 29, ~~[Upon receipt of a complaint a copy of the complaint shall~~
14 ~~be sent to the board's attorney for an initial review and preliminary recommendation of~~
15 ~~subsequent action to the board.]~~ a copy of the complaint shall [also] be sent to the [certified]
16 individual named in the complaint by both regular mail and email to the mailing address and
17 email address of record pursuant to 201 KAR 29:020 §2(15), along with a request for that
18 individual's written, legible, verified response to the complaint within thirty (30) days of the
19 issuance of the complaint. ~~[The response of the individual shall be required for the next regularly~~
20 ~~scheduled meeting of the board except that the individual shall be allowed a period of twenty~~
21 ~~(20) days from the date of receipt to make a response.]~~

1 (5) The failure, without good cause, of any certificate holder or applicant to file a written,
2 legible, verified response when due shall be considered a violation of 201 KAR 29:020 §2(5) and
3 an admission of the allegations stated in the complaint.

4 (6) The executive director or designee shall have the authority to direct any investigation and
5 shall possess any and all powers possessed by the board in regard to investigations.

6 (7) Each complaint shall be investigated as necessary and as promptly as possible, and
7 presented to the board for review and a finding of probable cause or no probable cause to believe
8 a violation of KRS Chapter 314A or 201 KAR Chapter 29 has occurred. A probable cause finding
9 or no probable cause finding shall be determined on a majority vote of a quorum of the board,
10 and shall be recorded in the board meeting minutes.

11 (8) The executive director shall further be empowered to order the attendance of any
12 certificate holder or applicant at an investigative meeting regarding any complaint.

13 (9) The failure, without good cause, of any certificate holder or applicant to attend an
14 investigative meeting when requested shall be considered a violation of 201 KAR 29:020 §2(5).

15 (10) All preliminary information shall be treated as confidential during the investigation and
16 shall not be disclosed to board members or to the public, except during the board review of the
17 case information in closed session when making a finding of probable cause or no probable cause.

18 (11) If a board member has participated in the investigation or has substantial knowledge of
19 facts prior to a hearing on the complaint that may influence an impartial decision by the member,
20 that member shall not participate in the probable cause finding or the deliberations or decision-
21 making conducted pursuant to KRS 13B.120.

1 (12) If the board determines that there is no probable cause to believe a violation of KRS
2 Chapter 314A or 201 KAR Chapter 29 has occurred, there shall not be further action unless
3 warranted by further evidence, and the board shall notify both the complaining party and the
4 individual of the no probable cause finding.

5 (13) Upon a board determination that there is probable cause to believe a violation of KRS
6 Chapter 314A or 201 KAR Chapter 29 by a certificate holder or applicant has occurred, Board staff
7 may issue a notice of hearing and statement of charges pursuant to KRS 13B.050, a proposed
8 agreed order pursuant to Section 3 of this regulation, or both.

9 (14) Upon a board determination that there is probable cause to believe a violation of KRS
10 Chapter 314A or 201 KAR Chapter 29 by a person who has never been a certificate holder in
11 Kentucky, or if their Kentucky credential has been suspended or revoked, Board staff shall cause
12 a referral report to be prepared and signed by the chairperson of the board, stating the basis for
13 the board determination. If the individual has never been licensed or certified to practice as a
14 respiratory care practitioner in another state, the referral report shall be forwarded to the county
15 attorney of the county of residence of the person allegedly practicing respiratory care without
16 appropriate certification with a request that appropriate action be taken under KRS 314A.990. If
17 the individual has held a license or certificate to practice as a respiratory care practitioner in
18 another state, the referral report shall be forwarded to each state agency who issued a license
19 or certificate to the individual, and to the National Board for Respiratory Care or its equivalent.
20 The board may also initiate action in Franklin Circuit Court for injunctive relief to stop the
21 unauthorized practice of respiratory care.

1 Section 3. Negotiated Resolution; Letter of Admonishment~~[Preliminary Recommendations~~
2 ~~and Initial Board Review]~~.

3 (1) At any time subsequent to the issuance of a complaint to a certificate holder or applicant,
4 or a notice of noncompliance pursuant to Section 5 of this regulation, the executive director or
5 designee shall have the authority and the complete discretion to negotiate with the certificate
6 holder or applicant concerning stipulations of fact, conclusions of law, and proposed discipline.
7 The executive director shall also have discretion to reject any or all offers of negotiated resolution
8 and may commence negotiations on the executive director's initiative~~[After the receipt of a~~
9 ~~complaint and the period for the individual's response has concluded, the board shall consider~~
10 ~~the preliminary recommendation of the board's attorney, the individual's response, and any~~
11 ~~other relevant material available to the board in the initial review of the complaint. The~~
12 ~~determination that the board makes at this point shall be whether or not there is enough~~
13 ~~evidence to warrant a formal investigation]~~.

14 (2) When negotiated settlement terms have been accepted by the certificate holder or
15 applicant, and the executive director or designee subject to the approval the board, the executive
16 director or designee shall cause the settlement agreement, signed by the certificate holder or
17 applicant, to be submitted to the board, including a line for the signature of an officer of the
18 board. A settlement agreement shall become effective upon being accepted by a majority of a
19 quorum of the board, signed by the chairperson, and filed of record~~[When in the opinion of the~~
20 ~~board a complaint does not warrant the formal investigation of a complaint against an individual,~~
21 ~~the board shall notify both the complaining party and the individual of the outcome of the~~
22 ~~complaint]~~.

1 (3) If the board rejects a negotiated resolution that has been signed by the certificate holder
2 or applicant, the matter shall continue to proceed, provided, however, that further negotiations
3 may be conducted and subsequent settlement offers may be presented to the board. Rejection
4 shall not be taken as a finding or determination of any kind on behalf of the board and no orders
5 or other pleadings shall be filed of record in regard to the negotiations or the rejected
6 proposal~~[When in the opinion of the board a complaint warrants the formal investigation of a~~
7 ~~complaint against either a certified individual or a person who may be practicing respiratory care~~
8 ~~without appropriate certification, the board shall authorize its attorney and a designated~~
9 ~~investigative assistant to investigate the matter and report their findings and recommendations~~
10 ~~to the board at their earliest opportunity].~~

11 (4) Upon a finding of probable cause to believe a violation of KRS Chapter 314A or 201 KAR
12 Chapter 29 by a certificate holder or applicant has occurred, the board may direct the issuance
13 of a letter of admonishment to the certificate holder or applicant. This action may be taken if it
14 is determined by the board that this is an appropriate method of dispensing with the complaint.
15 The letter of admonishment shall be signed by the executive director and sent to the individual
16 by both regular mail and email to the mailing address and email address of record pursuant to
17 201 KAR 29:020 §2(15), with a copy placed in the individual's permanent file. Within thirty (30)
18 days of the date of the letter, the individual shall have the right to file a written response to the
19 letter and have it attached to the letter of admonishment and placed in the permanent file. The
20 individual shall also have, within thirty (30) days of the date of the letter, the right to contest the
21 letter of admonishment and be granted a full hearing on the complaint pursuant to KRS Chapter

1 13B. If a hearing is requested, the board shall file a notice of hearing and statement of charges
2 and shall proceed in accordance with Section 4 of this regulation.

3 Section 4. Disciplinary Proceedings~~[Results of Formal Investigation; Board Decision on~~
4 ~~Hearing]~~.

5 (1) Disciplinary proceedings following the filing of a notice of hearing and statement of charges
6 pursuant to KRS 13B.050 shall be heard by a hearing officer, who shall be an assistant attorney
7 general or an attorney appointed by the board in accordance with KRS 13B.030 and
8 13B.040~~[Upon completion of the formal investigation, the board's attorney or the investigative~~
9 ~~assistant shall report to the board his or her findings and recommendations as to the proper~~
10 ~~disposition of the complaint. The determination that the board makes at this point shall be~~
11 ~~whether or not there is enough evidence to believe that a violation of the law or administrative~~
12 ~~regulations may have occurred and that a hearing should be held].~~

13 (2) The certificate holder or applicant shall file with the board a written answer to the specific
14 allegations contained in the notice of hearing and statement of charges within twenty (20) days
15 of receipt of the charges. An allegation not properly answered shall be deemed admitted. Failure
16 to file an answer shall be considered a violation of 201 KAR 29:020 §2(5) and may result in the
17 issuance of a default order pursuant to KRS 13B.080(6). The hearing officer shall for good cause
18 permit the late filing of an answer~~[When in the opinion of the board a complaint does not warrant~~
19 ~~the issuance of a formal complaint and the holding of a hearing the complaint shall be dismissed~~
20 ~~or other appropriate action taken. The board shall notify both the complaining party and the~~
21 ~~individual of the outcome of the complaint].~~

1 (3) The board prosecuting attorney shall be empowered to direct the attendance of any
2 certificate holder or applicant at an administrative hearing conducted pursuant to KRS
3 13B.080~~[When in the opinion of the board a complaint warrants the issuance of a formal~~
4 ~~complaint, the board shall cause a complaint to be prepared stating clearly the charge or charges~~
5 ~~to be considered at the hearing. The formal complaint shall be signed by the chairperson and~~
6 ~~served upon the individual as required by KRS 13B.050].~~

7 (4) The failure, without good cause, of any certificate holder or applicant to attend an
8 administrative hearing when directed to do so shall be considered a violation of 201 KAR 29:020
9 §2(5)~~[When in the opinion of the board a complaint warrants the issuance of a formal complaint~~
10 ~~against a person who may be practicing respiratory care without proper certification, the board~~
11 ~~shall cause a formal complaint to be prepared and signed by the chairperson of the board, stating~~
12 ~~the board's belief the charges are based upon reliable information. The formal complaint shall be~~
13 ~~forwarded to the county attorney of the county of residence of the person allegedly practicing~~
14 ~~respiratory care without appropriate certification with a request that appropriate action be taken~~
15 ~~under KRS 314A.990. The board may also initiate action in Franklin Circuit Court for injunctive~~
16 ~~relief to stop the unauthorized practice of respiratory care].~~

17 (5) The hearing shall be transcribed by a court stenographer or video recorded.

18 (6) In a final order is issued by the board in accordance with KRS 13B.120, or in an agreed order
19 issued subsequent to the filing of a notice of hearing and statement of charges pursuant to KRS
20 13B.050, the board may impose the following as a component of the administrative fine
21 authorized by KRS 314A.225(1) and KRS 314A.990, provided the total fine does not exceed one
22 thousand dollars (\$1,000):

- 1 (a) The cost of stenographic services;
- 2 (b) The cost of the hearing officer;
- 3 (c) Expert witness costs, including travel;
- 4 (d) Travel for other witnesses, at the rates specified at 200 KAR 2:006 Sections 5-7;
- 5 (e) Document reproduction costs; and
- 6 (f) The cost of a certified copy of laboratory testing records.

7 Section 5. Noncompliance with Final Order or Agreed Order Terms~~[Settlement by Informal~~
8 ~~Proceedings; Letter of Admonishment]~~.

9 (1) The executive director or designee may investigate as needed, using any of the methods
10 available in Section 1 of this regulation, to monitor an individual's compliance with the terms of
11 an agreed order or a final order entered by the board pursuant to KRS Chapter 13B.120~~[The~~
12 ~~board, through counsel may, at any time during this process, enter into informal proceedings~~
13 ~~with the individual who is the subject of the complaint for the purpose of appropriately~~
14 ~~dispensing with the matter. Any agreed order or settlement reached through this process shall~~
15 ~~be approved by the board and signed by the individual who is the subject of the complaint and~~
16 ~~the chairperson of the board]~~.

17 (2) A written notice of noncompliance shall be sent by the board or the executive director or
18 designee to any individual who has violated the terms of an agreed order or a final order pursuant
19 to KRS Chapter 13B.120. The notice shall specify the noncompliance, the sanctions sought by
20 board staff, and any other remedial action sought as a consequence of the individual's
21 noncompliance~~[The board may at any time during this process, issue a letter of admonishment~~
22 ~~to the individual who is named in the complaint as a means of resolving the complaint. This action~~

~~may be taken if it is determined by the board that this is an appropriate method of dispensing with the complaint. The letter of admonishment shall be sent to the individual with a copy placed in the individual's permanent file. A copy may also be sent to the government agencies deemed appropriate by the board. Within thirty (30) days of the date of the letter, the individual shall have the right to file a written response to the letter and have it attached to the letter of admonishment and placed in the permanent file. The individual shall also, within thirty (30) days of the date of the letter, have the right to appeal the letter of admonishment and be granted a full hearing on the complaint. If this appeal is requested, the board shall immediately file a formal complaint in regard to the matter and set a date for a hearing].~~

(3) The individual to whom the notice of noncompliance is sent shall file with the board, within thirty (30) days of issuance of the notice, a written, legible, verified response.

(4) The failure, without good cause, to file a written, legible, verified response when due shall be considered a violation of 201 KAR 29:020 §2(5), an admission of noncompliance, acceptance of the sanctions and remedial actions stated in the notice of noncompliance. If the notice of noncompliance arises from an agreed order that includes a liquidated sanction for noncompliance and a corresponding waiver of the right to hearing with regard to enforcement of the agreed order, including a waiver of the right to be present with counsel, to subpoena witnesses and to confront witnesses, and the full panoply of rights of hearing and appeal, the liquidated sanction specified in the agreed order may be implemented without the necessity of a hearing pursuant to KRS Chapter 13B, and without the associated due process procedures. The board or the executive director shall give notice of the imposition of the liquidated sanctions specified in the agreed order by delivering written notice of the final disposition and the remedial

1 actions imposed to the individual by both regular mail and email to the mailing address and email
2 address of record pursuant to 201 KAR 29:020 §2(15), or the individual's attorney of record.

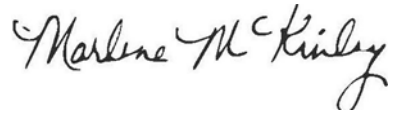
3 (5) Upon the receipt of a written, legible, verified response to a notice of noncompliance, the
4 board shall file a notice of hearing and statement of charges pursuant to KRS 13B.050 and shall
5 proceed in accordance with KRS Chapter 13B and Section 4 of this regulation. The executive
6 director shall be authorized to sign a notice of hearing and statement of charges arising from
7 noncompliance with an agreed order or final order pursuant to KRS Chapter 13B.120.

8 Section 6. Notice and Service of Process. Except for those items that are required to delivered
9 by certified mail pursuant to KRS 13B.050(2) and KRS 13B.120(5), any notice required by KRS
10 Chapter 314A or this administrative regulation shall be delivered by both regular mail and email
11 to the mailing address and email address of record pursuant to 201 KAR 29:020 §2(15)[issued in
12 accordance with KRS 13B.050].

Amended Administrative Regulation

201 KAR 29:030. Complaint processing procedures.

Adopted: April 17, 2025

A handwritten signature in black ink, reading "Marlene McKinley". The signature is written in a cursive style with a large, stylized "M" and "K".

Marlene McKinley, RRT, Board Chair
Kentucky Board of Respiratory Care

April 17, 2025

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on October 28, 2025 at 10:00 AM at the Kentucky Board of Respiratory Care, 1712 Perryville Rd, Suite 200, Danville, KY 40422. Individuals interested in being heard at this hearing shall notify this agency in writing by October 21, 2025, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON:

Morgan G. Ransdell, Board Attorney
Kentucky Board of Respiratory Care
1712 Perryville Rd, Suite 200
Danville, KY 40422
Phone: (502) 665-9600
Email: Morgan.Ransdell@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 29:030

Contact Person: Morgan G. Ransdell

Phone: (502) 665-9600

Email: Morgan.Ransdell@ky.gov

Subject Headings: Boards and Commissions, Respiratory Care, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes detailed procedures for the investigation and disposition of complaints received by the board.

(b) The necessity of this administrative regulation: KRS 314A.205(1) requires the board to investigate persons engaging in practices which violate the provisions of KRS Chapter 314A or 201 KAR Chapter 29. In addition, the implementation of investigation and discipline processes is called for in KRS 13A.100(5).

(c) How this administrative regulation conforms to the content of the authorizing statutes: By setting forth detailed procedures for the investigation and disposition of complaints received by the Board.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By setting forth detailed procedures for the investigation and disposition of complaints received by the Board.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment defines chairperson to include official designee where chairperson is absent or has recused. The amendment addresses anonymous complaints and agency-initiated complaints, and criteria to be followed in determining if a particular filing constitutes an anonymous complaint. The amendment specifies a 30-day response period for all complaints, and service of complaints by both regular mail and email, with non-response constituting a default. The amendment empowers the Executive Director to direct investigations, including mandatory investigative meetings. The amendment states that a Board determination is required for probable cause ("PC") or no probable cause ("NPC") findings. The amendment designates investigative information as confidential and exempt from mandatory disclosure under open records laws. The amendment specifies circumstances where Board member recusal is required. The amendment specifies remedial action where Board finds unlicensed practice. The amendment authorizes the Executive Director to negotiate possible settlement of cases, subject to subsequent approval or rejection by the Board. The amendment requires licensees and applicants to respond to a notice of hearing and statement of charges, or be in default. The amendment authorizes the Board attorney to compel the attendance of KBRC licensees and applicants at a hearing conducted pursuant to KRS Chapter 13B. The amendment states that failure to attend a hearing when directed constitutes unprofessional conduct. The amendment allows for the imposition of hearing costs, including hearing officer and court reporter expenses, as a component of a civil fine, provided the total civil fine does not exceed \$1,000. The

amendment streamlines disciplinary process for cases arising from noncompliance with an agreed order or prior Board decision, where non-response is deemed a waiver of hearing rights and acceptance of remedial measures set forth in the agreed order or final order. The amendment authorizes the Executive Director to sign a notice of charges arising from noncompliance with an agreed order or final order. The amendment specifies that all communication regarding discipline matters shall be sent by regular mail and email to the address of record, except where KRS Chapter 13B requires certified mail (notice of hearing and final order).

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to expedite the investigative process, as well as the time it takes to close contested cases. Under the existing regulation, it typically takes more than six months for the Board to issue notice of hearing and statement of charges, as the process begins with a 20 day period for response to the complaint, followed by a recommendation from the Board attorney whether or not to initiate a formal investigation. The Board meets every two months, which typically delays the determination regarding whether to initiate a formal investigation. If the Board then moves the matter to the “formal complaint” phase, one or more subpoenas is typically issued, and the time spent awaiting the subpoena response and reviewing the subpoenaed materials is often significant. In many instances, the subpoena response triggers the need to interview the respondent or other persons. The completion of interviews, if needed, typically allows the proceeding to move to the next step, presentation of the matter to the Board for a probable cause recommendation; however, as the Board only meets every two months, a delay can result between the completion of the investigation the Board review of the matter. If the Board finds probable cause, staff attempts to resolve the matter by agreed order, which typically results in a 30 day delay, if settlement efforts fail, a draft notice of hearing and statement of charges is presented to the Board for approval, which occurs at a Board meeting, which can again result in a delay.

In contrast to the existing regulation, the amendment streamlines the investigative and litigation process in multiple ways. Requiring a written response to complaints and notice of charges allows for an expedited default disposition in cases where no response is filed. Addressing a violation of an agreed order or final order is much simpler than investigating a facility or consumer complaint, and the amendment creates a separate expedited mechanism for such matters. In cases where a violation of KRS Chapter 314A or 201 KAR Chapter 29 is found, the amendment authorizes the recovery of hearing officer fees and transcript costs, within the limits of the Board existing authority to impose monetary penalties. Shifting these costs from the entire pool of licensees and applicants to those persons found to have violated the law facilitates agreed resolutions and deters tactics of delay. The amendment empowers the Executive Director or designee to conduct investigations, thus eliminating the necessity of a Board determination that a “formal” investigation is warranted. The amendment empowers the Executive Director to direct the respondent to attend an investigative meeting, which allow for face-to-face interactive discussion that facilitates a search for the truth. The amendment empowers the Executive Director to negotiate proposed agreed orders, subject to approval or rejection by the Board, at any point subsequent to the service of the complaint upon the respondent. This expedited mechanism for settlement is particularly useful for frequently seen violation types where

standardized disciplinary terms are sought, such as continuing education compliance, DUI (1st Offense), or positive urine drug screen result for nonprescribed mood altering substances excluding alcohol. With the exception of instances where certified mail is required per KRS Chapter 13B, the amendment eliminates the requirement that all required notices be issued by certified mail, and instead directs service by regular mail and email, which greatly reduces turnaround time for written communication.

(c) How the amendment conforms to the content of the authorizing statutes: By setting forth detailed procedures for the expedited investigation and disposition of complaints received by the Board.

(d) How the amendment will assist in the effective administration of the statutes: By setting forth detailed procedures for the expedited investigation and disposition of complaints received by the Board.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The 4141 active credential holders subject to the Board's regulatory authority, the 195 inactive credential holders, and future applicants for initial licensure or reinstatement.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: By imposing an expedited default disposition on those who do not respond, the amendment requires individuals who are alleged to have violated KRS Chapter 314A or 201 KAR 29 to respond to complaints and KRS 13B notice of charges.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The amendment does not impose any new costs upon the persons identified in question (4). The amendment authorizes the Board to seek recovery of its actual hearing officer fees and transcript costs from persons found to have violated KRS Chapter 314A or 201 KAR Chapter 29; however, any such costs must fall within the Board's existing statutory authority to impose an administrative fine of up to \$1,000. The net potential monetary liability of such respondents remains unchanged at \$1,000.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The amendment will expedite the disposition of disciplinary complaints, which serves the Board's mission to protect both the public and the integrity of the profession.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There are no monetary costs associated with the implementation of the

amendment, either initially or on an ongoing basis.

(b) On a continuing basis: There are no monetary costs associated with the implementation of the amendment, either initially or on an ongoing basis.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fee increase or funding is required.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: It does not. The amendment authorizes the Board to seek recovery of its actual hearing officer fees and transcript costs from persons found to have violated KRS Chapter 314A or 201 KAR Chapter 29; however, any such costs must fall within the Board existing statutory authority to impose an administrative fine of up to \$1,000. The net potential monetary liability of such respondents remains unchanged at \$1,000.

(10) TIERING: Is tiering applied? Tiering is not applied and is not needed given the context and substance of the regulation.

FISCAL IMPACT STATEMENT

201 KAR 29:030

Contact Person: Morgan G. Ransdell

Phone: (502) 665-9600

Email: Morgan.Ransdell@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314A.205(1) requires the board to investigate persons engaging in practices which violate the provisions of KRS Chapter 314A. This administrative regulation establishes the detailed procedures for the investigation and disposition of complaints received by the board. KRS 13A.100(5) and 314A.205(3) authorize the Board to promulgate administrative regulation related to the investigation and discipline process.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act. KRS 314A.205(3) expressly authorizes the agency to promulgate administrative regulations to carry out the purposes of the KRS Chapter 314A.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Respiratory Care.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: The amendment will not impact expenditures.

For subsequent years: The amendment will not impact expenditures.

2. Revenues:

For the first year: The amendment will not impact revenues.

For subsequent years: The amendment will not impact revenues.

3. Cost Savings:

For the first year: The amendment will not impact cost savings.

For subsequent years: The amendment will not impact cost savings.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Licensure applicants and licensees.

(a) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: The amendment authorizes the Board to seek recovery of its actual hearing officer fees and transcript costs from persons found to have violated KRS Chapter 314A or 201 KAR Chapter 29; however, any such costs must fall within the Board existing statutory authority to impose an administrative fine of up to \$1,000. The net potential monetary liability of such respondents remains unchanged at \$1,000.

For subsequent years: The amendment authorizes the Board to seek recovery of its actual hearing officer fees and transcript costs from persons found to have violated KRS Chapter 314A or 201 KAR Chapter 29; however, any such costs must fall within the Board existing statutory authority to impose an administrative fine of up to \$1,000. The net potential monetary liability of such respondents remains unchanged at \$1,000.

2. Revenues:

For the first year: No revenues to estimate.

For subsequent years: No revenues to estimate.

Cost Savings:

For the first year: No cost savings for regulated entities.

For subsequent years: No cost savings for regulated entities.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

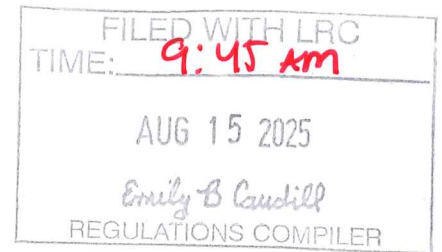
(a) Fiscal impact of this administrative regulation: The amendment will not have a fiscal impact on the entities identified in (3)(a), (4)(a), and (5)(a). The amendment authorizes the Board to seek recovery of its actual hearing officer fees and transcript costs from persons found to have violated KRS Chapter 314A or 201 KAR Chapter 29; however, any such costs must fall within the Board existing statutory authority to impose an administrative fine of up to \$1,000. The net potential monetary liability of such respondents remains unchanged at \$1,000.

(b) Methodology and resources used to determine the fiscal impact: None.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact as it relates to the entities identified in (3)(a), (4)(a), and (5)(a) .

(b) The methodology and resources used to reach this conclusion: None.



1 GENERAL GOVERNMENT CABINET

2 Board of Respiratory Care

3 (Amendment)

4 201 KAR 29:040. Reporting of final orders and agreed orders~~[Posthearing procedures]~~.

5 RELATES TO: KRS ~~[Chapter 13B,]~~ 314A.225

6 STATUTORY AUTHORITY: KRS 314A.205(3)

7 CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies
8 with the requirements of 2025 RS HB 6, Section 8, because the amendments to this
9 administrative regulation will not have a major economic impact.

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 314A.225 authorizes the board to impose
11 disciplinary sanctions against certificate holders and applicants where appropriate. Federal
12 statutes such as 42 U.S.C. 1396r-2, and federal regulations such as 45 CFR §60.9, mandate
13 reporting to federal authorities of some but not all board disciplinary actions ~~[mandates a~~
14 ~~hearing upon the filing of a complaint alleging a violation of KRS Chapter 314A or the~~
15 ~~administrative regulations promulgated thereunder]~~. This administrative regulation establishes
16 procedures following the issuance of a final order pursuant to KRS 13B.120, an agreed order, or
17 a letter of admonishment~~[conducting of a hearing pursuant to KRS Chapter 13B]~~.

18 Section 1. Notification of Final Decision of the Board~~[of Directors]~~. A final order of the board
19 issued to a certificate holder or applicant in accordance with KRS 13B.120, an agreed order

signed by the certificate holder or applicant and approved by the board, and an admonishment may be sent by regular mail or email [, upon completion of the hearing and final approval, shall send notification] to the following:

- (1) Complaining party[Certificate holder];
- (2) Employer;
- (3) Appropriate national and state agencies; and
- (4) The National Board of Respiratory Care, or its equivalent.

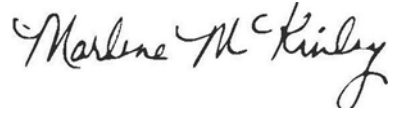
Section 2. The board shall not adopt an agreed order that includes a confidentiality provision, other than as necessary to comply with and implement KRS 61.878(1).

Section 3. Admonishments, and agreed orders based solely on continuing education, continuing education audit noncompliance, or working on an expired license if the agreed order is entered within thirty (30) days of expiration, shall not be automatically reported by the board to persons or entities listed in Section 1 of this regulation, but may be released if requested in accordance with KRS 61.870 to 61.884.

Amended Administrative Regulation

201 KAR 29:040. Reporting of final orders and agreed orders.

Adopted: April 17, 2025

A handwritten signature in black ink, reading "Marlene McKinley". The signature is written in a cursive style with a large, stylized "M" and "K".

Marlene McKinley, RRT, Board Chair
Kentucky Board of Respiratory Care

April 17, 2025

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on October 28, 2025 at 10:00 AM at the Kentucky Board of Respiratory Care, 1712 Perryville Rd, Suite 200, Danville, KY 40422. Individuals interested in being heard at this hearing shall notify this agency in writing by October 21, 2025, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON:

Morgan G. Ransdell, Board Attorney
Kentucky Board of Respiratory Care
1712 Perryville Rd, Suite 200
Danville, KY 40422
Phone: (502) 665-9600
Email: Morgan.Ransdell@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 29:040

Contact Person: Morgan G. Ransdell

Phone: (502) 665-9600

Email: Morgan.Ransdell@ky.gov

Subject Headings: Boards and Commissions, Respiratory Care, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures following the issuance of a final order pursuant to KRS 13B.120, an agreed order, or a letter of admonishment.

(b) The necessity of this administrative regulation: KRS 314A.225 authorizes the board to impose disciplinary sanctions against certificate holders and applicants where appropriate. Federal statutes such as 42 U.S.C. 1396r-2, and federal regulations such as 45 CFR §60.9, mandate reporting to federal authorities of some but not all board disciplinary actions.

(c) How this administrative regulation conforms to the content of the authorizing statutes: By establishing procedures for the reporting of certain disciplinary actions following the issuance of a final order pursuant to KRS 13B.120, an agreed order, or a letter of admonishment.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By establishing procedures for the reporting of certain disciplinary actions following the issuance of a final order pursuant to KRS 13B.120, an agreed order, or a letter of admonishment.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Consistent with KRS 61.870 to 61.884, the amendment clarifies that final orders, agreed orders, and admonishments, referred to herein as the “closing document” in a Board administrative proceeding, shall not include confidentiality provisions, and may be released in response to a request pursuant to KRS 61.870 to 61.884, other than as necessary to comply with and implement KRS 61.878(1). The amendment authorizes the release of the closing document to the complaining party, which is pertinent with regard to consumer complaints.

(b) The necessity of the amendment to this administrative regulation: The amendment is needed to ensure conformity with KRS 61.870 to 61.884, federal statutes such as 42 U.S.C. 1396r-2, and federal regulations such as 45 CFR §60.9.

(c) How the amendment conforms to the content of the authorizing statutes: By establishing procedures for the reporting of certain disciplinary actions following the issuance of a final order pursuant to KRS 13B.120, an agreed order, or a letter of admonishment.

(d) How the amendment will assist in the effective administration of the statutes: By establishing procedures for the reporting of certain disciplinary actions following the issuance of a final order pursuant to KRS 13B.120, an agreed order, or a letter of admonishment.

(3) Does this administrative regulation or amendment implement legislation from the previous

five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The 4141 active credential holders subject to the Board's regulatory authority, the 195 inactive credential holders, and future applicants for initial licensure or reinstatement.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: No actions are needed.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No costs will result from the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The amendment will serve the Board mission to protect both the public and the integrity of the profession.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There are no monetary costs associated with the implementation of the amendment, either initially or on an ongoing basis.

(b) On a continuing basis: There are no monetary costs associated with the implementation of the amendment, either initially or on an ongoing basis.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fee increase or funding is required.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: It does not.

(10) TIERING: Is tiering applied? Tiering is not applied and is not needed given the context and substance of the regulation.

FISCAL IMPACT STATEMENT

201 KAR 29:040

Contact Person: Morgan G. Ransdell

Phone: (502) 665-9600

Email: Morgan.Ransdell@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314A.225 authorizes the board to impose disciplinary sanctions against certificate holders and applicants where appropriate. 42 U.S.C. 1396r-2 and 45 CFR §60.9 mandate reporting to federal authorities of some but not all board disciplinary actions.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act. KRS 314A.205(3) expressly authorizes the agency to promulgate administrative regulations to carry out the purposes of the KRS Chapter 314A.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Respiratory Care.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: The amendment will not impact expenditures.

For subsequent years: The amendment will not impact expenditures.

2. Revenues:

For the first year: The amendment will not impact revenues.

For subsequent years: The amendment will not impact revenues.

3. Cost Savings:

For the first year: The amendment will not impact cost savings.

For subsequent years: The amendment will not impact cost savings.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Licensure applicants and licensees.

(a) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: The amendment will not impact expenditures..

For subsequent years: The amendment will not impact expenditures..

2. Revenues:

For the first year: The amendment will not impact revenues.

For subsequent years: The amendment will not impact revenues.

Cost Savings:

For the first year: The amendment will not cost savings.

For subsequent years: The amendment will not cost savings.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

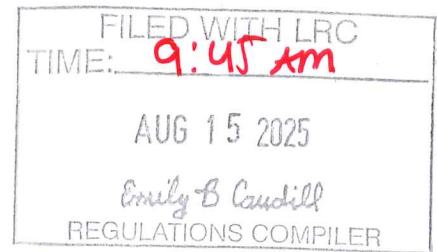
(a) Fiscal impact of this administrative regulation: The amendment will not have a fiscal impact on the entities identified in (3)(a), (4)(a), and (5)(a).

(b) Methodology and resources used to determine the fiscal impact: None.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact as it relates to the entities identified in (3)(a), (4)(a), and (5)(a) .

(b) The methodology and resources used to reach this conclusion: None.



1 GENERAL GOVERNMENT CABINET

2 Board of Respiratory Care

3 (Amendment)

4 201 KAR 29:050. Continuing education requirements.

5 RELATES TO: KRS 314A.115

6 STATUTORY AUTHORITY: KRS 314.115, 314A.205(3)

7 CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies
8 with the requirements of 2025 RS HB 6, Section 8, because the amendments to this
9 administrative regulation will not have a major economic impact.

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 314A.115 requires the submission of proof
11 of continuing education in order to renew certification. KRS 314A.110(6) requires applicants
12 seeking reinstatement to comply with continuing education requirements. This administrative
13 regulation delineates the requirements for continuing education and prescribes methods and
14 standards for the accreditation of continuing education courses.

15 Section 1. Definitions.

16 (1) "AARC" means American Association for Respiratory Care.

17 (2) "Academic courses" means courses offered by an accredited postsecondary institution
18 including:

(a) A respiratory care course, designated by a respiratory care course number of 400 or greater, intended for students who have already received an associates or bachelor's degree in respiratory care, and who have already passed a National Board for Respiratory Care or its equivalent entry-level certification examination ~~[, beyond the premandatory certification level];~~ and

(b) An academic course applicable to respiratory care practice and appropriate for the respiratory care practitioner employed in the areas of clinical practice, administration, education, or research.

~~(3) ["American Association for Respiratory Care approval" or "AARC approval" means any offering having received recognition by this organization.~~

~~—(4) "Approved" means Kentucky Board of Respiratory Care (KBRC) recognized.~~

~~—(5)]~~ "Continuing education unit" means sixty (60) contact minutes of participating in continuing education experiences.

~~(4)[(6)]~~ "Offering" means an organized learning experience:

(a) Planned and evaluated to meet behavioral objectives; and

(b) Presented in one (1) session or in a series.

~~(5)[(7)]~~ "Relevant" means having content applicable to the practice of respiratory care.

~~(6)[(8)]~~ "Sponsor" means an individual or organization, other than AARC, applying for approval of continuing education programs.

~~(7)[(9)]~~ "Successful completion" means that the practitioner has:

(a) Satisfactorily met and can appropriately document the specific requirements of the offering; and

(b) Earned the continuing education units.

Section 2. Accrual of Continuing Education Units Mandatory; Computation of Accrual.

(1) A minimum of twenty-four (24) continuing education units shall be accrued by each person holding mandatory certification during the two (2) year certification period for renewal, and at least one (1) hour of which shall be in or relevant to ethics in the field of respiratory care.

(2) The certification period shall be January 1 of one (1) year through December 31 of the following calendar year, regardless of when a mandatory certificate is issued.

(3) All units shall be in or relevant to the field of respiratory care.

Section 3. Methods of Acquiring Continuing Education Units. Continuing education units applicable to the renewal of the mandatory certificate shall be directly relevant to the professional growth and development of the respiratory care practitioner. Units may be earned by completing any of the following educational activities:

(1)

(a) Academic courses as defined in Section 1 of this administrative regulation; and

(b) Academic credit equivalency for continuing education units shall be based on one (1) credit hour = fifteen (15) continuing education units;

(2) Continuing education units approved by AARC;

(3) Continuing education units offered by other organizations or institutions approved by the Board or the executive director in accordance with this administrative regulation; or

(4) Scientific and educational lectures, workshops, or seminars presented by a person holding a mandatory certificate.

(a) A maximum of double the continuing education units offered may be credited for scientific and educational lectures, workshops, or seminars presented by the certificate holder.

(b) Credit shall not be issued for repeated instruction of the same course.

Section 4. Procedure for Preapproval of Sponsors.

(1) A sponsor desiring approval of a continuing education offering prior to attendance shall apply for approval to the board at least forty-five (45) days in advance of the date of the offering, on the Application for Continuing Education Approval stating the type of learning activity, the subject matter, the date and time of the program, and the names and qualifications of the instructors. A continuing education activity shall be approved if the board or the executive director determines that the activity being presented:

(a) Is an organized program of learning;

(b) Pertains to subject matters which are integrally relevant to the practice of respiratory care;

(c) Contributes to the professional competency of the certificate holder licensee; and

(d) Is conducted by individuals who have educational training, or experience acceptable to the board.

(2) A nonrefundable and one-time fee of twenty-five [ten (10)] dollars (\$25) shall be charged for each continuing education offering. Alternatively, a sponsor may pay a fee of one-hundred dollars (\$100), which shall satisfy the fee requirement for all preapproval submissions by that sponsor for the full calendar year in which the fee is paid.

(3) Board approval of a~~[An approved]~~ continuing education offering shall expire two (2) years from the date of approval.

(4) A continuing education offering shall be approved in increments of no less than thirty minutes.

(5) Product based continuing education offerings shall be approved for a maximum of up to two (2) continuing education units per product.

(6) The Board or the executive director may choose not to approve a sponsor's offerings if it is determined that ~~[the Board finds]~~ the sponsor engaged in fraud, deceit, or misrepresentations concerning any continuing education offerings.

Section 5. Procedure for Postapproval of an Individual Holding a Mandatory Certificate.

(1) An individual holding a mandatory certificate desiring postapproval of a continuing education offering shall, within ninety (90) days after the date the continuing education program is conducted, submit an Application for Continuing Education Approval stating the type of learning activity, the subject matter, the date and time of the program, and the names and qualifications of the instructors. A continuing education activity shall be postapproved if the board or the executive director determines that the activity presented:

(a) Was an organized program of learning;

(b) Pertained to subject matters which are integrally relevant to the practice of respiratory care;

(c) Contributed to the professional competency of the certificate holder ~~[licensee]~~; and

(d) Was conducted by individuals who have the requisite educational training, or experience~~[acceptable to the board]~~.

(2) Board approval of a ~~[An approved]~~ continuing education offering shall expire two (2) years from the date of approval.

(3) A continuing education offering shall be approved in increments of no less than thirty (30) minutes.

(4) Product based continuing education offerings shall be approved for a maximum of up to two continuing education units per product.

(5) The Board or the executive director may choose not to approve an individual's offerings if it is determined that~~[the Board finds]~~ the individual engaged in fraud, deceit, or misrepresentations concerning any continuing education offerings.

Section 6. All continuing education units and academic courses shall be preapproved or postapproved for credit.

(1) If a continuing education unit is approved by AARC~~[ARPC]~~, it shall be considered preapproved.

(2) An academic course shall be postapproved upon completion of the course.

Section 7. Responsibilities and Reporting Requirements of Certificate Holders. A certificate holder shall be responsible for obtaining required continuing education units. The certificate holder shall identify their ~~[his or her own]~~ continuing education needs, take the initiative in seeking continuing professional education activities to meet these needs, and seek ways to integrate new knowledge, skills, and attitudes. Each person holding mandatory certification shall:

(1) Select board approved activities by which to earn continuing education units; and

(2) Maintain all documentation verifying successful completion of continuing education units for a period of three (3) years from conclusion of the certification period in which the continuing education unit was obtained.

Section 8. Audit Procedures.

(1) In January following the certification period, the Board or the executive director shall initiate an audit a minimum of fifteen (15) percent of certificate holders who were designated to complete continuing education by December 31 of the preceding year, and shall notify the individuals selected for audit in writing on or before February 10 of the year in which the audit is conducted.

(2) Each certificate holder chosen for an audit shall furnish documentation of completion of continuing education units for the certification period by March 1 of the year in which the audit is conducted. Documentation shall include:

(a) Official transcripts for completed academic courses;

(b) A copy of the program showing an individual as a presenter of scientific and educational lectures, workshops, or seminars;

(c) Official verification from an official Registrar for academic courses taught; or

(d) Completion certificates or cards, including a course number, for relevant offerings whether preapproved or postapproved.

(3) Each certificate holder chosen for an audit shall also submit a Continuing Education Audit Verification Form by March 1 of the year in which the audit is conducted. ~~[It shall be submitted before March 1 of the year following the certification period.]~~

(4) Failure to fully comply with the provisions of this administrative regulation shall constitute unprofessional conduct as set forth in KRS 314A.225 and may result in the filing of an agency-initiated complaint pursuant to KRS 314A.225 and 201 KAR 29:030 §2(3)~~[refusal to renew, suspension, or revocation of the certification].~~

1 Section 9. Temporary Certificate Holders; Limited Mandatory Certificate Holders; Expired and
2 Inactive Certificates. Continuing education requirements shall not apply to the holders of a
3 temporary certificate, ~~or~~ a limited mandatory certificate, an expired certificate, or an inactive
4 certificate.

5 Section 10. Incorporation by Reference.

6 (1) The following material is incorporated by reference:

7 (a) "Application for Continuing Education Approval", 4/17/2025~~[6/11]~~; and

8 (b) "Continuing Education Audit Verification Form", 4/17/2025~~[6/11]~~; and

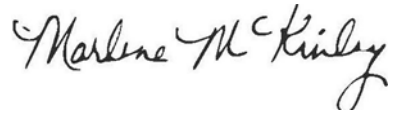
9 ~~(c) "Application for Renewal", 8/11.]~~

10 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law,
11 at the Board of Respiratory Care, 1714 Perryville Road, Suite 200, Danville, KY 40422~~[163 W. Short~~
12 ~~Street, Suite 350, Lexington, Kentucky, 40507]~~, Monday through Friday, 8 a.m. to 4:30 p.m. EST.
13 This material is also available at <https://kbrc.ky.gov/Pages/Applications-and-Forms.aspx#apps>.

Amended Administrative Regulation

201 KAR 29:050. Reporting of final orders and agreed orders.

Adopted: April 17, 2025

A handwritten signature in black ink, reading "Marlene McKinley". The signature is written in a cursive style with a large, stylized "M" and "K".

Marlene McKinley, RRT, Board Chair
Kentucky Board of Respiratory Care

April 17, 2025

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on October 28, 2025 at 10:00 AM at the Kentucky Board of Respiratory Care, 1712 Perryville Rd, Suite 200, Danville, KY 40422. Individuals interested in being heard at this hearing shall notify this agency in writing by October 21, 2025, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON:

Morgan G. Ransdell, Board Attorney
Kentucky Board of Respiratory Care
1712 Perryville Rd, Suite 200
Danville, KY 40422
Phone: (502) 665-9600
Email: Morgan.Ransdell@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 29:050

Contact Person: Morgan G. Ransdell

Phone: (502) 665-9600

Email: Morgan.Ransdell@ky.gov

Subject Headings: Boards and Commissions, Respiratory Care, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation delineates the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

(b) The necessity of this administrative regulation: KRS 314A.115 requires the submission of proof of continuing education in order to renew certification. KRS 314A.110(6) requires the submission of proof of continuing education in order to reinstate certification. KRS 314A.205(3) requires the Board to promulgate administrative regulations to carry out the provisions of KRS Chapter 314, including the provisions related to continuing education.

(c) How this administrative regulation conforms to the content of the authorizing statutes: By delineating the requirements for continuing education and prescribing methods and standards for the accreditation of continuing education courses.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By delineating the requirements for continuing education and prescribing methods and standards for the accreditation of continuing education courses.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment clarifies definition of "academic courses." The amendment adds a one-hour ethics requirement with each batch of CE needed for renewal. The amendment authorizes the E.D. to approve CE courses in both the preapproval and post-attendance contexts, and to implement CE audit processes. The amendment increases the fee for pre-approval of CE from \$10 to \$25, but allows a sponsor seeking approval for multiple CE courses the option of an unlimited number of approvals in a single calendar year for a fee of \$100. The amendment specifies a February 10 deadline for post-attendance approval requests regarding academic courses, and specifies a March 1 deadline for CE audit responses. The amendment clarifies that the consequence of a CE audit nonresponse is the disciplinary process, not an immediate revocation or denial of licensure.

(b) The necessity of the amendment to this administrative regulation:

(c) How the amendment conforms to the content of the authorizing statutes: By delineating the requirements for continuing education and prescribing methods and standards for the accreditation of continuing education courses.

(d) How the amendment will assist in the effective administration of the statutes: By delineating the requirements for continuing education and prescribing methods and standards for the accreditation of continuing education courses.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Continuing education providers who seek preapproval, 4141 active credential holders subject to the Board's regulatory authority, the 195 inactive credential holders, and future applicants for initial licensure or reinstatement.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: The fee for pre-approval of an individual CE course will increase from \$10 to \$25, but a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for most continuing education providers. While the total number of requisite continuing education hours needed for renewal remains unchanged, certificate holders will now be required to receive one hour of continuing education on ethic each biennial renewal cycle.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The fee for pre-approval of an individual CE course will increase from \$10 to \$25, but a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Many continuing education provider will achieve a cost savings as a result of the provision of the amendment that will allow a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There are no monetary costs associated with the implementation of the amendment, either initially or on an ongoing basis.

(b) On a continuing basis: There are no monetary costs associated with the implementation of the amendment, either initially or on an ongoing basis.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: While the amendment increases the fee for pre-approval of an individual continuing education program from \$10 to \$25, a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers. No other fee or funding changes are

expected to result from this change, as the impact on agency revenues is expected to be net neutral.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: While the amendment increases the fee for pre-approval of an individual continuing education program from \$10 to \$25, a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers. No other fee or funding changes are expected to result from this change, as the impact on agency revenues is expected to be net neutral.

(10) TIERING: Is tiering applied? Tiering is not applied and is not needed given the context and substance of the regulation.

FISCAL IMPACT STATEMENT

201 KAR 29:050

Contact Person: Morgan G. Ransdell

Phone: (502) 665-9600

Email: Morgan.Ransdell@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314A.115 requires the submission of proof of continuing education in order to renew certification. KRS 314A.110(6) requires the submission of proof of continuing education in order to reinstate certification.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act. KRS 314A.205(3) requires the Board to promulgate administrative regulations to carry out the provisions of KRS Chapter 314, including the provisions related to continuing education.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Respiratory Care.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: The amendment will not impact expenditures.

For subsequent years: The amendment will not impact expenditures.

2. Revenues:

For the first year: While the amendment increases the fee for pre-approval of an individual continuing education program from \$10 to \$25, a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers. No other fee or funding changes are expected to result from this change, as the impact on agency revenues is expected to be net neutral.

For subsequent years: While the amendment increases the fee for pre-approval of an individual continuing education program from \$10 to \$25, a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers. No other fee or funding changes are expected to result from this change, as the impact on agency revenues is expected to be net neutral.

3. Cost Savings:

For the first year: The amendment will not impact cost savings.

For subsequent years: The amendment will not impact cost savings.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Continuing education providers who seek preapproval, mandatory certificate holders, and future applicants for licensure.

(a) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: The amendment will not impact expenditures for mandatory certificate holders and future applicants. While the amendment increases the fee for pre-approval of an individual continuing education program from \$10 to \$25, a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers.

For subsequent years: The amendment will not impact expenditures for mandatory certificate holders and future applicants. While the amendment increases the fee for pre-approval of an individual continuing education program from \$10 to \$25, a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers.

2. Revenues:

For the first year: The amendment will not impact revenues for mandatory certificate holders, future applicants, or sponsors who seek preapproval of continuing education courses.

For subsequent years: The amendment will not impact revenues for mandatory certificate holders, future applicants, or sponsors who seek preapproval of continuing education courses.

Cost Savings:

For the first year: While the amendment increases the fee for pre-approval of an individual continuing education program from \$10 to \$25, a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers.

For subsequent years: While the amendment increases the fee for pre-approval of an individual continuing education program from \$10 to \$25, a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar

year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: The amendment will not have a fiscal impact on licensees or future applicants. While the amendment increases the fee for pre-approval of an individual continuing education program from \$10 to \$25, a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers. No other fee or funding changes are expected to result from this change, as the impact on agency revenues is expected to be net neutral.

(b) Methodology and resources used to determine the fiscal impact: None.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact as it relates to the entities identified in (3)(a), (4)(a), and (5)(a) .

(b) The methodology and resources used to reach this conclusion: None.

Summary of Material Incorporated by Reference

201 KAR 29:050. Continuing education requirements.

- (a) "Application for Continuing Education Approval", 4/17/2025; and
- (b) "Continuing Education Audit Verification Form", 4/17/2025.

Summary of Changes to Material Incorporated by Reference

- (a) The "Application for Continuing Education Approval" has been updated with the new agency address; to include a description of the \$100/unlimited option for sponsors who seek multiple preapproval requests in a given year, and to change the description of the fee for seeking approval of a single continuing education program from \$10 to \$25.
- (b) The "Continuing Education Audit Verification Form" has been updated with the new agency address, and to include a description of the four types of activities for which CE credit may be awarded: academic courses; AARC approved courses; KBRC approved courses; and respiratory care instruction..

Kentucky Board of Respiratory Care

1714 Perryville Rd. Ste 200

Danville, KY 40422

Phone (859) 246-2747 Fax (859) 246-2750

<https://kbrc.ky.gov/Pages/Continuing-Education.aspx>**APPLICATION FOR CONTINUING EDUCATION APPROVAL**

There is no need to complete this form if the offering has prior approval from the American Association of Respiratory Care (AARC). **(A non-refundable fee of \$25 per PROVIDER (not licensee), shall be charged for each continual education offering, good for two (2) years. Alternatively, a sponsor may pay a fee of one-hundred dollars (\$100), which shall satisfy the fee requirement for all preapproval submissions by that sponsor for the full calendar year in which the fee is paid.)** Individual non-providers will not be charged. If insufficient information is received, your material may be returned for further documentation. For complete details of continuing education requirements consult 201 KAR 29:050.

General InformationPre-Approval ☐ Post-Approval ☐Submitted by _____ M ☐ F ☐ Telephone no. (____) ____ - _____

Provider or Sponsor Number (If already given) _____

Mailing Address _____

Program Format Lecture ☐ Video ☐ Correspondence ☐ Online ☐ Other ☐

Program Title _____

Sponsoring Organization _____

Program Location(s) _____

Program Date(s) Begin _____ End _____

Will this program be repeated? No ☐ Yes ☐ (Additional dates) _____

Start time _____ Stop time _____

Total Length _____ Total CEUs requested (60 min/1CEU) _____

(A continuing education offering shall be approved in increments of no less than 30 minutes.)

Supporting Documentation (Attach to application)

- ☐ Program Objectives and agenda outline
☐ Program Brochure
☐ Speaker credentials
☐ Pre/Post Test (if applicable)
☐ Course description required for all college level courses. Course must be 400 level or above.

Signature of Sponsor _____

Date _____

Acknowledging that course # with the CEU certificate or card will be issued to participant (s).

Do not write below this line, for Board use only.

DATE SUBMITTED _____

DATE APPROVED _____

DENIED _____

CEU HOURS GIVEN _____

PROVIDER # _____

COURSE # _____

PAYMENT

Amt. _____

KENTUCKY BOARD OF RESPIRATORY CARE

1714 Perryville Rd. Suite 200

Danville, KY 40422

Phone 859-246-2747 Fax 859-246-2750

<https://kbrc.ky.gov/Pages/Continuing-Education.aspx>**Continuing Education Audit Verification Form**

Name:

Address:

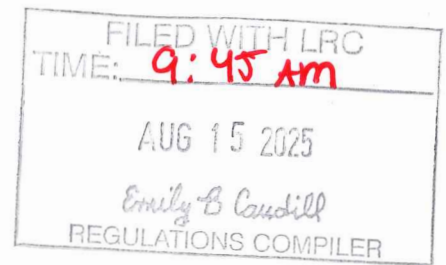
Certificate/License#

DATE COMPLETED	COURSE #	COURSE/PROGRAM TITLE	CEUS

Audit form shall be submitted with written CEU information above and copies of those CEUs that were used this past renewal cycle. This form must be completed in full and signed otherwise the audit will not be processed. Audit verification must be submitted by March 1st. Attach additional pages if needed. CEUs may be: **(1)** Academic courses appropriate for the respiratory care practitioner employed in the areas of clinical practice, administration, education, or research, which have been approved by the board or its designee, with a respiratory care course number of 400 or greater, intended for students who have already received an associates degree or bachelor's degree in respiratory care, and who have already passed an NBRC or its equivalent entry-level certification examination, with one (1) credit hour equaling fifteen (15) continuing education units; **(2)** American Association of Respiratory Care (AARC) approved CEUs; **(3)** CEUs approved by the Kentucky Board of Respiratory Care; or **(4)** CEUs for instructors who present scientific and educational lectures, workshops, or seminars on the subject of respiratory care, with instructors receiving double the Board or AARC approved CEUs earned by attendees; however, credit shall not be earned for repeated instruction of the same course during the same biennial certification period.

Signature

Date



1 GENERAL GOVERNMENT CABINET

2 Board of Respiratory Care

3 (Amendment)

4 201 KAR 29:060. Continuing education requirements for persons on inactive status; waiver.

5 RELATES TO: KRS 314A.115

6 STATUTORY AUTHORITY: KRS 314A.205(3)

7 CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies
8 with the requirements of 2025 RS HB 6, Section 8, because the amendments to this
9 administrative regulation will not have a major economic impact.

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 314A.115 requires the submission of proof
11 of continuing education in order to renew certification. KRS 314A.110(6) requires applicants
12 seeking reinstatement to comply with continuing education requirements. This administrative
13 regulation delineates the continuing education requirements for mandatory certificate holders
14 on inactive status, as well as the circumstances under which waivers or extensions for the
15 requirements may be granted.

16 Section 1.

17 (1) The board may, in individual cases involving medical disability, illness, or military duty,
18 grant waivers of the minimum continuing education requirements or extensions of time within
19 which to fulfill the requirements or make the required reports.

(2) A written request for waiver or extension of time shall be submitted by the person holding mandatory certification on or before the renewal deadline, and shall be accompanied by a verifying document signed by a licensed physician, or a copy of orders for military deployment.

(3) A waiver of the minimum continuing education requirements or an extension of time within which to fulfill the same may be granted by the board for a period of time not to exceed one (1) calendar year.

(4) If the medical disability, illness, or military duty upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the person holding mandatory certification shall reapply.

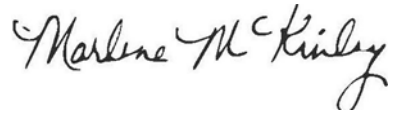
Section 2. Continuing educational requirements shall be waived for a certificate holder on inactive, suspended or revoked status during the period they remain inactive, suspended or revoked. If a certificate holder applies to the board to return to active status, or for reinstatement, they[he or she] shall submit proof that they have[he has] completed twenty-four (24) continuing education units within the twenty-four (24) month period immediately preceding the date on which the application is submitted, and at least one (1) hour of which shall be in or relevant to ethics in the field of respiratory care. The certificate holder who seeks to transition from inactive to active status may request that they[he or she] be allowed to return to active status immediately, with the provision that they[he or she] shall receive twenty-four (24) continuing education units referenced above within six (6) months of the date on which they[he] return to active status. The certificate holder shall also be responsible for meeting the requirements of 201 KAR 29:050 in order to properly qualify for renewal of their[his or her] certification in the next renewal[certification] period. Conversely, certificate holders who seek to

- 1 transition from revoked or suspended status must complete the required continuing education
- 2 units prior to applying for reinstatement.

Amended Administrative Regulation

201 KAR 29:060. Continuing education requirements for persons on inactive status; waiver.

Adopted: April 17, 2025

A handwritten signature in cursive script that reads "Marlene McKinley".

Marlene McKinley, RRT, Board Chair
Kentucky Board of Respiratory Care

April 17, 2025

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on October 28, 2025 at 10:00 AM at the Kentucky Board of Respiratory Care, 1712 Perryville Rd, Suite 200, Danville, KY 40422. Individuals interested in being heard at this hearing shall notify this agency in writing by October 21, 2025, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON:

Morgan G. Ransdell, Board Attorney
Kentucky Board of Respiratory Care
1712 Perryville Rd, Suite 200
Danville, KY 40422
Phone: (502) 665-9600
Email: Morgan.Ransdell@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 29:060

Contact Person: Morgan G. Ransdell

Phone: (502) 665-9600

Email: Morgan.Ransdell@ky.gov

Subject Headings: Boards and Commissions, Respiratory Care, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation delineates the continuing education requirements for mandatory certificate holders on inactive status, as well as the circumstances under which waivers or extensions for the requirements may be granted.

(b) The necessity of this administrative regulation: KRS 314A.115 requires the submission of proof of continuing education in order to renew certification. KRS 314A.110(6) requires applicants seeking reinstatement to comply with continuing education requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: By delineating the requirements for continuing education and prescribing methods and standards for the accreditation of continuing education courses.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By delineating the requirements for continuing education and prescribing methods and standards for the accreditation of continuing education courses.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment specifies that requests for CE waivers are due on or before the renewal deadline, and clarifies the CE requirement for applicants seeking reinstatement/reactivation, including one hour of ethics.

(b) The necessity of the amendment to this administrative regulation: The amendment is needed to clearly delineate the requirements for continuing education. By implication, KRS 446.084 mandates that all regulations be clear, accurate, and unambiguous, and the amendment addresses this need.

(c) How the amendment conforms to the content of the authorizing statutes: By delineating the requirements for continuing education and prescribing methods and standards for the accreditation of continuing education courses.

(d) How the amendment will assist in the effective administration of the statutes: By delineating the requirements for continuing education and prescribing methods and standards for the accreditation of continuing education courses.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The 4141 active credential holders subject to the Board's regulatory authority, the 195 inactive credential holders, and future

applicants for initial licensure or reinstatement.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: While the total number of requisite continuing education hours needed for renewal or reinstatement remains unchanged, certificate holders will now be required to receive one hour of continuing education on ethic each biennial renewal cycle.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No costs will result from the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The amendment will serve the Board mission to protect both the public and the integrity of the profession.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There are no monetary costs associated with the implementation of the amendment, either initially or on an ongoing basis.

(b) On a continuing basis: There are no monetary costs associated with the implementation of the amendment, either initially or on an ongoing basis.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fee increase or funding is required.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: It does not.

(10) TIERING: Is tiering applied? Tiering is not applied and is not needed given the context and substance of the regulation.

FISCAL IMPACT STATEMENT

201 KAR 29:060

Contact Person: Morgan G. Ransdell

Phone: (502) 665-9600

Email: Morgan.Ransdell@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314A.115 requires the submission of proof of continuing education in order to renew certification. KRS 314A.110(6) requires applicants seeking reinstatement to comply with continuing education requirements.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act. KRS 314A.205(3) expressly authorizes the agency to promulgate administrative regulations to carry out the purposes of the KRS Chapter 314A, including the implementation of continuing education requirements.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Respiratory Care.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: The amendment will not impact expenditures.

For subsequent years: The amendment will not impact expenditures.

2. Revenues:

For the first year: The amendment will not impact revenues.

For subsequent years: The amendment will not impact revenues.

3. Cost Savings:

For the first year: The amendment will not impact cost savings.

For subsequent years: The amendment will not impact cost savings.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Licensure applicants and licensees.

(a) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: The amendment will not impact expenditures..

For subsequent years: The amendment will not impact expenditures..

2. Revenues:

For the first year: The amendment will not impact revenues.

For subsequent years: The amendment will not impact revenues.

Cost Savings:

For the first year: The amendment will not cost savings.

For subsequent years: The amendment will not cost savings.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

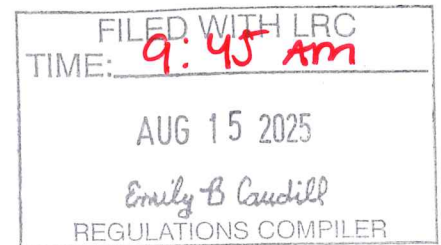
(a) Fiscal impact of this administrative regulation: The amendment will not have a fiscal impact on the entities identified in (3)(a), (4)(a), and (5)(a).

(b) Methodology and resources used to determine the fiscal impact: None.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact as it relates to the entities identified in (3)(a), (4)(a), and (5)(a) .

(b) The methodology and resources used to reach this conclusion: None.



1 GENERAL GOVERNMENT CABINET

2 Board of Respiratory Care

3 (Amendment)

4 201 KAR 29:070. Scope of practice.

5 RELATES TO: KRS 314A.100

6 STATUTORY AUTHORITY: KRS 314A.100(4), 314A.205(3)

7 CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies
8 with the requirements of 2025 RS HB 6, Section 8, because the amendments to this
9 administrative regulation will not have a major economic impact.

10 NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation clarifies the types
11 of activities which are permissible by persons holding certification as a respiratory care
12 practitioner.

13 Section 1. Definitions. "Agency or facility guidelines" shall mean a written set of guidelines
14 for initiating, adjusting or discontinuing care which have been approved by the medical
15 director. The "agency or facility guidelines" shall also describe the specific training or education
16 necessary to enable the respiratory care practitioner to competently perform each of these
17 procedures.

18 Section 2. A respiratory care practitioner shall perform respiratory care procedures not
19 specified by KRS 314A.100 in accordance with agency or facility guidelines

1 Section 3.

2 (1) A respiratory care practitioner shall be responsible for practicing within their~~his~~ level of
3 competence.

4 (2) The following conduct by a respiratory care practitioner shall constitute unethical conduct
5 in the practice of respiratory care:

6 (a) Failure to practice within their level of competence;

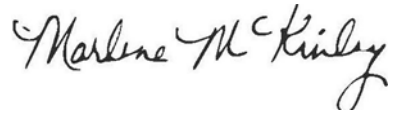
7 (b) Engaging in those procedures specifically prohibited by KRS 314A.100; or

8 (c) Performing procedures not listed in the agency or facility guidelines.

Amended Administrative Regulation

201 KAR 29:070. Scope of practice.

Adopted: April 17, 2025

A handwritten signature in black ink that reads "Marlene McKinley". The signature is written in a cursive style with a large, stylized "M" and "K".

Marlene McKinley, RRT, Board Chair
Kentucky Board of Respiratory Care

April 17, 2025

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on October 28, 2025 at 10:00 AM at the Kentucky Board of Respiratory Care, 1712 Perryville Rd, Suite 200, Danville, KY 40422. Individuals interested in being heard at this hearing shall notify this agency in writing by October 21, 2025, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON:

Morgan G. Ransdell, Board Attorney
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Danville, KY 40422
Phone: (502) 665-9600
Email: Morgan.Ransdell@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 29:070

Contact Person: Morgan G. Ransdell

Phone: (502) 665-9600

Email: Morgan.Ransdell@ky.gov

Subject Headings: Boards and Commissions, Respiratory Care, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation clarifies the types of activities which are permissible by persons holding certification as a respiratory care practitioner.

(b) The necessity of this administrative regulation: This administrative regulation is needed to clarify the types of activities which are permissible by persons holding certification as a respiratory care practitioner.

(c) How this administrative regulation conforms to the content of the authorizing statutes: By clarifying the types of activities which are permissible by persons holding certification as a respiratory care practitioner.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By clarifying the types of activities which are permissible by persons holding certification as a respiratory care practitioner.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment replaces the word "his" with the word "their".

(b) The necessity of the amendment to this administrative regulation: The amendment is not necessary, but is offered for purposes of uniformity with the other regulations in 201 KAR Chapter 29.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment is a minor word changes that does not relate to the content of the authorizing statutes.

(d) How the amendment will assist in the effective administration of the statutes: The amendment is not necessary, but is offered for purposes of uniformity with the other regulations in 201 KAR Chapter 29.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The 4141 active credential holders subject to the Board's regulatory authority, the 195 inactive credential holders, and future applicants for initial licensure or reinstatement.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either

the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: No action are necessary as a consequence of the amendment. The regulation requires respiratory care practitioners to perform respiratory care within their level of competence and scope of practice.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No costs will result from the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Other than uniformity within 201 KAR Chapter 29, the amendment will not be a benefit. The regulation benefits the profession by defining each respiratory care practitioner's scope of practice.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There are no monetary costs associated with the implementation of the amendment, either initially or on an ongoing basis.

(b) On a continuing basis: There are no monetary costs associated with the implementation of the amendment, either initially or on an ongoing basis.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fee increase or funding is required.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: It does not.

(10) TIERING: Is tiering applied? Tiering is not applied and is not needed given the context and substance of the regulation.

FISCAL IMPACT STATEMENT

201 KAR 29:070

Contact Person: Morgan G. Ransdell

Phone: (502) 665-9600

Email: Morgan.Ransdell@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314A.100(4), 314A.205(3).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act. KRS 314A.100(4) and 314A.205(3) expressly authorizes the agency to promulgate administrative regulations to define the scope of practice of a respiratory care practitioner, and to carry out the purposes of the KRS Chapter 314A.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Respiratory Care.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: The amendment will not impact expenditures.

For subsequent years: The amendment will not impact expenditures.

2. Revenues:

For the first year: The amendment will not impact revenues.

For subsequent years: The amendment will not impact revenues.

3. Cost Savings:

For the first year: The amendment will not impact cost savings.

For subsequent years: The amendment will not impact cost savings.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Licensure applicants and licensees.

(a) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: The amendment will not impact expenditures..

For subsequent years: The amendment will not impact expenditures..

2. Revenues:

For the first year: The amendment will not impact revenues.

For subsequent years: The amendment will not impact revenues.

Cost Savings:

For the first year: The amendment will not cost savings.

For subsequent years: The amendment will not cost savings.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: The amendment will not have a fiscal impact on the entities identified in (3)(a), (4)(a), and (5)(a).

(b) Methodology and resources used to determine the fiscal impact: None.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact as it relates to the entities identified in (3)(a), (4)(a), and (5)(a) .

(b) The methodology and resources used to reach this conclusion: None.