

**Kentucky Board of Respiratory Care**

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**Andy  
Beshear  
Governor**

**Tamara G.  
McDaniel  
Executive  
Director**

November 6, 2025

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
083, Capitol Annex  
Frankfort KY 40601

Re: 201 KAR 29:015. Fees.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 29:015, the Kentucky Board of Respiratory Care proposes the attached amendment to 201 KAR 29:015.

Sincerely,

Morgan G. Ransdell, Board Attorney  
Kentucky Board of Respiratory Care  
Phone: 502-665-9600  
Email: [morgan.ransdell@ky.gov](mailto:morgan.ransdell@ky.gov)

## Subcommittee Substitute

### BOARDS AND COMMISSIONS

#### Board of Respiratory Care (Amendment)

#### 201 KAR 29:015. Fees.

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

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

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

NECESSITY, FUNCTION, AND CONFORMITY: 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. This administrative regulation establishes all fees charged by the board.

#### Section 1. Application and Certification Fees Schedule.

- (1) The application and certification fee for mandatory certification shall be \$150.
- (2) The application and certification fee for temporary mandatory certification shall be \$102.
- (3) The application and certification fee for limited mandatory certification shall be sixty (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, 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 **the [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.

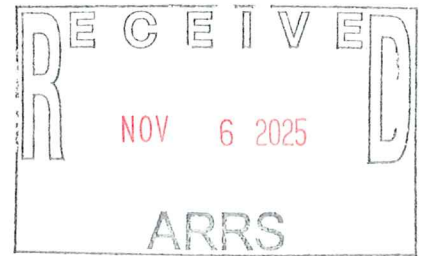
Section 4. All fees shall be nonrefundable.

Section 5. Fees set forth **in** this administrative 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. 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, Kentucky 40422,~~Southcreek Park, 2365 Harrodsburg Road, B350, Lexington, Kentucky 40504-3335,~~ 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>.

CONTACT PERSON: Morgan G. Ransdell, Board Attorney, Kentucky Board of Respiratory Care, 1712 Perryville Rd, Suite 200, Danville, Kentucky 40422; phone (502) 665-9600, email [Morgan.Ransdell@ky.gov](mailto:Morgan.Ransdell@ky.gov).



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Administrative Regulation Review Subcommittee  
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083, Capitol Annex  
Frankfort KY 40601

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

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 29:020, the Kentucky Board of Respiratory Care proposes the attached amendment to 201 KAR 29:020.

Sincerely,

Morgan G. Ransdell, Board Attorney  
Kentucky Board of Respiratory Care  
Phone: 502-665-9600  
Email: [morgan.ransdell@ky.gov](mailto:morgan.ransdell@ky.gov)



## Subcommittee Substitute

### BOARDS AND COMMISSIONS

#### Board of Respiratory Care (Amendment)

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

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

STATUTORY AUTHORITY: KRS 314A.200(5), 314A.205~~(4)~~(3), 314A.225

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

NECESSITY, FUNCTION, AND CONFORMITY: 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. This administrative regulation sets forth codes of ethics and unprofessional conduct, as well as grounds for removing board members.

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

- (1) Continually strive to increase and improve their~~[his or her]~~ knowledge and skill and 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; **and**
- (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  
(21) Violating the code of ethics adopted by the board.

Section 3. Reasons for Removal of Board Member.

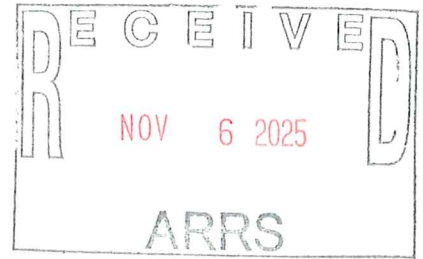
(1) A board member may be removed by the board by majority vote of the board if the member has:

- (a) Been convicted of a felony;
- (b) Had their~~[his or her]~~ certification to practice respiratory care or license to practice medicine suspended or revoked; or
- (c) Missed three (3) or more consecutive board meetings and those absences are deemed unexcused by a majority vote of the board.

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

CONTACT PERSON: Morgan G. Ransdell, Board Attorney, Kentucky Board of Respiratory Care, 1712 Perryville Rd, Suite 200, Danville, Kentucky 40422; phone (502) 665-9600, email Morgan.Ransdell@ky.gov.





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083, Capitol Annex  
Frankfort KY 40601

Re: 201 KAR 29:030. Complaint processing procedures.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 29:030, the Kentucky Board of Respiratory Care proposes the attached amendment to 201 KAR 29:030.

Sincerely,

Morgan G. Ransdell, Board Attorney  
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## Subcommittee Substitute

### BOARDS AND COMMISSIONS

#### Board of Respiratory Care (Amendment)

#### **201 KAR 29:030. Complaint processing procedures.**

RELATES TO: KRS 314A.225

STATUTORY AUTHORITY: KRS 314A.205~~(1),(3)~~

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

NECESSITY, FUNCTION, AND CONFORMITY: 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.

#### Section 1. Definitions.

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

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

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

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

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

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

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

#### Section 2. Reception of Complaints; Investigations.

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

314A or 201 KAR Chapter 29 by the named certificate holder, applicant, or unlicensed individual against whom the complaint was made.[- The board may also file a complaint based on information in its possession.]

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

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

(4) With the exception of a self-report or an application that discloses a violation of KRS Chapter 314A or 201 KAR Chapter 29,

[(2)] [Upon receipt of a complaint a copy of the complaint shall be sent to the board's attorney for an initial review and preliminary recommendation of subsequent action to the board.] a copy of the complaint shall[also] be sent to the[certified] individual named in the complaint by both regular mail and email to the mailing address and email address of record pursuant to 201 KAR 29:020 §2(15), along with a request for that individual's written, legible, verified response to the complaint within thirty (30) days of the issuance of the complaint.[The response of the individual shall be required for the next regularly scheduled meeting of the board except that the individual shall be allowed a period of twenty (20) days from the date of receipt to make a response.]

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

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

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

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

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

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

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



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

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

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

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

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

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



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

(4) Upon a finding of probable cause to believe a violation of KRS Chapter 314A or 201 KAR Chapter 29 by a certificate holder or applicant has occurred, the board may direct the issuance of a letter of admonishment to the certificate holder or applicant. 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 signed by the executive director and sent to the individual by both regular mail and email to the mailing address and email address of record pursuant to 201 KAR 29:020 §2(15), with a copy placed in the individual's permanent file. 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 have, within thirty (30) days of the date of the letter, the right to contest the letter of admonishment and be granted a full hearing on the complaint pursuant to KRS Chapter 13B. If a hearing is requested, the board shall file a notice of hearing and statement of charges and shall proceed in accordance with Section 4 of this administrative regulation.

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

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

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

(3) The board prosecuting attorney **may [shall be empowered to]** direct the attendance of any certificate holder or applicant at an administrative hearing conducted pursuant to KRS

~~13B.080.[When in the opinion of the board a complaint warrants the issuance of a formal complaint, the board shall cause a complaint to be prepared stating clearly the charge or charges to be considered at the hearing. The formal complaint shall be signed by the chairperson and served upon the individual as required by KRS 13B.050.]~~

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

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

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

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

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

~~(1) The executive director or designee may investigate as needed, using any of the methods available in Section **2 [4]** of this administrative regulation, to monitor an individual's compliance with the terms of an agreed order or a final order entered by the board pursuant to KRS Chapter 13B.120.[The board, through counsel may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter. Any agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chairperson of the board.]~~

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

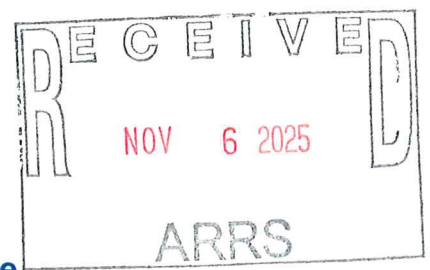
(4) The failure, without good cause, to file a written, legible, verified response when due shall be considered a violation of 201 KAR 29:020 §2(5), an admission of noncompliance, acceptance of the sanctions and remedial actions stated in the notice of noncompliance. If the notice of noncompliance arises 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 actions imposed to the individual by both regular mail and email to the mailing address and email address of record pursuant to 201 KAR 29:020 §2(15), or the individual's attorney of record.

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

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

CONTACT PERSON: Morgan G. Ransdell, Board Attorney, Kentucky Board of Respiratory Care, 1712 Perryville Rd, Suite 200, Danville, Kentucky 40422; phone (502) 665-9600, email Morgan.Ransdell@ky.gov.





**Kentucky Board of Respiratory Care**

1714 Perryville Rd. Suite 200  
Danville, KY 40422  
Phone (859) 246-2747  
Fax (859) 246-2750

**Andy  
Beshear  
Governor**

**Tamara G.  
McDaniel  
Executive  
Director**

November 6, 2025

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
083, Capitol Annex  
Frankfort KY 40601

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

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 29:040, the Kentucky Board of Respiratory Care proposes the attached amendment to 201 KAR 29:040.

Sincerely,

Morgan G. Ransdell, Board Attorney  
Kentucky Board of Respiratory Care  
Phone: 502-665-9600  
Email: [morgan.ransdell@ky.gov](mailto:morgan.ransdell@ky.gov)

Final, 11-4-2025

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Respiratory Care

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

RELATES TO: KRS ~~61.870-61.884~~, ~~[Chapter 13B,]~~ 314A.225, 42 U.S.C. 1396r-2, 45 C.F.R. 60.9  
STATUTORY AUTHORITY: KRS 314A.205(3)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314A.205(3) requires the board to promulgate administrative regulations to carry out the provisions of KRS Chapter 314A. 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 C.F.R. ~~[§]~~60.9, mandate reporting to federal authorities of some, but not all board disciplinary actions ~~[mandates a hearing upon the filing of a complaint alleging a violation of KRS Chapter 314A or the administrative regulations promulgated thereunder].~~ 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 ~~[conducting of a hearing pursuant to KRS Chapter 13B].~~

Section 1. Notification of Final Decision of the Board ~~[of Directors].~~ A final order of the board, 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. ~~[The board, 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 administrative regulation, but may be released if requested in accordance with KRS 61.870 to 61.884.

CONTACT PERSON: Morgan G. Ransdell, Board Attorney, Kentucky Board of Respiratory Care, 1714 Perryville Rd, Suite 200, Danville, Kentucky 40422; phone (502) 665-9600, email Morgan.Ransdell@ky.gov.





**Andy  
Beshear  
Governor**

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**Tamara G.  
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Executive  
Director**

November 6, 2025

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
083, Capitol Annex  
Frankfort KY 40601

Re: 201 KAR 29:050. Continuing education requirements.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 29:050, the Kentucky Board of Respiratory Care proposes the attached amendment to 201 KAR 29:050.

Sincerely,

Morgan G. Ransdell, Board Attorney  
Kentucky Board of Respiratory Care  
Phone: 502-665-9600  
Email: [morgan.ransdell@ky.gov](mailto:morgan.ransdell@ky.gov)

Final, 11-4-2025

## SUGGESTED SUBSTITUTE

### BOARDS AND COMMISSIONS Board of Respiratory Care

#### 201 KAR 29:050. Continuing education requirements.

RELATES TO: KRS 314A.110(6), 314A.115, 314A.225

STATUTORY AUTHORITY: KRS 314A.115~~[314.115]~~, 314A.205(3)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314A.205(3) requires the board to promulgate administrative regulations to carry out the provisions of KRS Chapter 314A. KRS 314A.115 requires the submission of proof of continuing education in order to renew certification as prescribed by the board in administrative regulations. KRS 314A.110(6) requires applicants seeking reinstatement to comply with continuing education requirements. This administrative regulation delineates the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

#### Section 1. Definitions.

- (1) "AARC" means American Association for Respiratory Care.
- (2) "Academic courses" means courses offered by an accredited postsecondary institution 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 associate's/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 (1) ~~[-]~~ time fee of twenty-five (25) ~~[ten (10)]~~ dollars shall be charged for each continuing education offering. Alternatively, a sponsor may pay a fee of \$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 (30) 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 (2) 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:
  - (a) Initiate an audit of a minimum of fifteen (15) percent of certificate holders who were designated to complete continuing education by December 31 of the preceding year;;~~and~~
  - (b) [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, Section [§]2(3)~~[refusal to renew, suspension, or revocation of the certification].~~

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

Section 10. Incorporation by Reference.

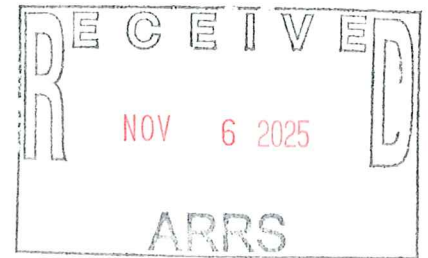
- (1) The following material is incorporated by reference:
  - (a) "Application for Continuing Education Approval", 4/07~~[47]~~/2025~~[6/11]~~; and



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

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

CONTACT PERSON: Morgan G. Ransdell, Board Attorney, Kentucky Board of Respiratory Care, 1714 Perryville Rd, Suite 200, Danville, Kentucky 40422; phone (502) 665-9600, email [Morgan.Ransdell@ky.gov](mailto:Morgan.Ransdell@ky.gov).



**Andy  
Beshear  
Governor**

**Kentucky Board of Respiratory Care**

1714 Perryville Rd. Suite 200  
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**Tamara G.  
McDaniel  
Executive  
Director**

November 6, 2025

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
083, Capitol Annex  
Frankfort KY 40601

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

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 29:060, the Kentucky Board of Respiratory Care proposes the attached amendment to 201 KAR 29:060.

Sincerely,

Morgan G. Ransdell, Board Attorney  
Kentucky Board of Respiratory Care  
Phone: 502-665-9600  
Email: [morgan.ransdell@ky.gov](mailto:morgan.ransdell@ky.gov)



Final, 11-4-2025

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Respiratory Care

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

RELATES TO: KRS 314A.110(6), 314A.115

STATUTORY AUTHORITY: KRS 314A.115, 314A.205(3)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314A.205(3) requires the board to promulgate administrative regulations to carry out the provisions of KRS Chapter 314A. KRS 314A.115 requires the submission of proof~~[a certificate holder to show evidence]~~ of continuing education in order to renew certification as prescribed by the board in administrative regulations. KRS 314A.110(6) requires applicants seeking reinstatement to comply with continuing education requirements. 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, and continuing education to be completed to transition to active status.

Section 1.

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

(2) A written request for waiver or extension of time shall be:

(a) Submitted by the person holding mandatory certification on or before the renewal deadline;~~;~~ and

(b) [shall be] Accompanied by:

1. A verifying document signed by a licensed physician;~~;~~ or

2. 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 requirements[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.

(1) 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.

(2) 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:

(a) Twenty-four (24) continuing education units within the twenty-four (24) month period immediately preceding the date on which the Application **for Reactivation or Application for Reinstatement, as incorporated by reference in 201 KAR 29:015,** is submitted;~~;~~ and

(b) At least one (1) hour of which shall be in or relevant to ethics in the field of respiratory care.

(3) 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 **complete the[receive]** twenty-four (24) continuing education units **referenced in subsection (2)(a)**

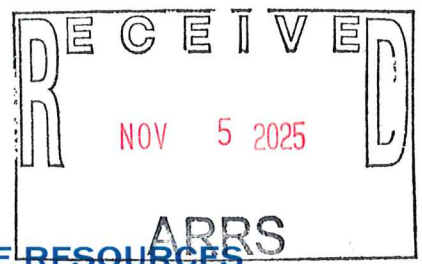
and (b) of this section~~above~~ within six (6) months of the date on which they~~he~~ return to active status.

(4) 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.

(5)~~Conversely,~~ Certificate holders who seek to transition from revoked or suspended status shall~~must~~ complete the required continuing education units **referenced in subsection 2(a) and (b) of this section** prior to applying for reinstatement.

CONTACT PERSON: Morgan G. Ransdell, Board Attorney, Kentucky Board of Respiratory Care, 1714 Perryville Rd, Suite 200, Danville, Kentucky 40422; phone (502) 665-9600, email Morgan.Ransdell@ky.gov.





**KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES**

**Rich Storm**  
Commissioner

#1 Sportsman's Lane  
Frankfort, Kentucky 40601  
Phone (502) 564-3400  
Fax (502) 564-0506

**Gabe Jenkins**  
Deputy Commissioner

November 3, 2025

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
Rm 083, Capitol Annex  
Frankfort KY 40601

Re: 301 KAR 2:075. Wildlife rehabilitation permit.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 2:075, the Kentucky Department of Fish and Wildlife Resources proposes the attached suggested substitute to 301 KAR 2:075 to this ordinary regulation.

Sincerely,

A handwritten signature in black ink that reads "Jenny Gilbert".

Jenny Gilbert  
Legislative Liaison  
Commissioner's Office  
Kentucky Department of Fish and Wildlife Resources  
1 Sportsmen's Lane  
Frankfort, KY 40601

**SUGGESTED SUBSTITUTE**  
**10/30/2025 9:45 AM**

**TOURISM, ARTS AND HERITAGE CABINET**  
**Department of Fish and Wildlife Resources**  
**(Amended After Comments)**

**301 KAR 2:075. Wildlife rehabilitation permit.**

RELATES TO: KRS ~~13B~~, 150.010, 150.015, 150.021, 150.170, 150.183, 150.195, 150.330, 150.990, ~~321.181~~, 321.185, 50 C.F.R 17, 21, 22, 16 U.S.C. 668, 703 – 712

STATUTORY AUTHORITY: KRS 150.025(1)(h), 150.280

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS ~~150.025(1)(i)~~ ~~[150.025(1)(h)]~~ authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.280 requires the department to promulgate administrative regulations regarding the holding of protected wildlife. This administrative regulation establishes the permitting and operating requirements for wildlife rehabilitators.

Section 1. Definitions.

- (1) "Cervid" means deer, elk, moose, caribou, reindeer, and related species and hybrids thereof, including all members of the Cervidae family and hybrids thereof.
- (2) "Chronic Wasting Disease" or "CWD" means a transmissible spongiform encephalopathy found in cervids.
- (3) "CWD Surveillance Zone" means an area, designated and listed on the department's Web site at fw.ky.gov, as being under special cervid requirements, as established in 301 KAR 2:172, due to a CWD positive cervid detection.
- (4) "Enhanced Rabies Surveillance Zone" means the counties designated by the United States Department of Agriculture as current rabies surveillance counties listed at <https://fw.ky.gov/Wildlife/Pages/Rabies.aspx>.~~[Bell, Boyd, Bracken, Carter, Clay, Elliot, Fleming, Floyd, Greenup, Harlan, Johnson, Knott, Knox, Laurel, Lawrence, Leslie, Letcher, Lewis, Martin, Mason, McCreary, Pike, Perry, Robertson, and Whitley counties.]~~
- (5) "Federally protected wildlife" means any wildlife species listed by the U.S. Fish and Wildlife Service as threatened or endangered, and any birds protected under the Migratory Bird Treaty Act, 16 U.S.C. 703 – 712, or the Bald and Golden Eagle Protection Act, 16 U.S.C. 668.

(6) "Habituation" means the process where wildlife becomes accustomed to the presence of humans or other anthropogenic stimuli, resulting in a reduced or altered behavioral response hindering their ability to survive post release. Habituation does not include imprinting of avian species.

(7)[(6)] "Permit holder" means a wildlife rehabilitation permit holder.

(8)[(7)] "Rabies vector species" means a:

(a) Bat (Order Chiroptera);

(b)[(a)] Coyote (Canis latrans);

(c)[(b)] Gray fox (Urocyon cinereoargenteus);

(d)[(c)] Raccoon (Procyon lotor);

(e)[(d)] Red fox (Vulpes vulpes);

(f)[(e)] Spotted skunk (Spilogale putorius);

(g)[(f)] Striped skunk (Mephitis mephitis); or

(h)[(g)] Any hybrid of paragraphs (a) through (g)[(f)] of this subsection.

(9) "Sub-permit holder" means a volunteer at wildlife rehabilitator facility who works under supervision of a valid permit holder.

(10)[(8)] "Wildlife rehabilitation" means the process of obtaining, rescuing, raising, providing supportive care, regularly transporting, and arranging for veterinary medical care of orphaned, sick, displaced, or injured wildlife with the goal of releasing the wildlife back into its natural habitat.

## Section 2. Permitting Requirements.

(1) A permit shall authorize a person to rehabilitate wildlife as defined as "wildlife rehabilitation" by Section 1(8) of this administrative regulation.

(2) An applicant for a wildlife rehabilitation permit shall:

(a) Be at least eighteen (18) years of age;

(b) Submit a completed Wildlife Rehabilitation Permit Application;

(c) Provide the department with a valid email address;

(d) Submit:

1. Certificate of completion of the course entitled "Basic Wildlife Rehabilitation" offered by the International Wildlife Rehabilitation Council; or

2. Proof of a doctorate of veterinary medicine degree from an American Veterinary Medical Association (AVMA) accredited school; and

(e) Submit the annual permit fee as referenced at <https://fw.ky.gov/Licenses/Pages/Fees.aspx> and established in 301 KAR 5:022~~[established in 301 KAR 3:022]~~.

## Section 3. Reporting Requirements.

(1) A permit holder shall:

(a) Keep records of all wildlife received or rehabilitated on the Wildlife Rehabilitation Annual Report;



- (b) Submit a Wildlife Rehabilitation Annual Report to the department within thirty (30) days after expiration of a permit and before a permit is renewed; and
  - (c) Submit a Wildlife Rehabilitation Non-Releasable Wildlife Report, if applicable, to the department within thirty (30) days after expiration of a permit and before a permit is renewed.
- (2) The annual activity report shall contain the information regarding the activity for the period from December 1 of the previous year to November 30 of the current year.
- (3) The department shall not renew the permit of a wildlife rehabilitator who does not submit:
- (a) A completed Wildlife Rehabilitation Annual Report;
  - (b) The Wildlife Rehabilitation Non-releasable Wildlife Report, if applicable; and
  - (c) Report documents and all records of wildlife rehabilitation activity, including veterinary medical records, from the current and previous years' activity upon request to department staff.

#### Section 4. Receiving and Rehabilitating Wildlife.

- (1) A permit holder shall not rehabilitate or attempt to rehabilitate:
- (a) Cougar (*Felis concolor*);
  - (b) Wolf (*Canis lupus* or *Canis rufus*);
  - (c) Elk (*Cervus elaphus*);
  - (d) Bear (*Ursus americanus*);
  - (e) Any species of terrestrial wildlife not native to Kentucky; or
  - (f) Prohibited species listed in 301 KAR 2:082 Section 4.
- (2) A permit holder shall not:
- (a) Propagate non-releasable wildlife or wildlife undergoing rehabilitation;
  - (b) Except as established in Section 12(1)~~[10(4)]~~ of this administrative regulation, allow a non-permitted person to rehabilitate, assist in wildlife rehabilitation, access, or have direct contact with wildlife undergoing rehabilitation;
  - (c) Allow a non-permitted person to rehabilitate, assist in wildlife rehabilitation, access, or have direct contact with rabies vector species;
  - (d) Remove wildlife undergoing rehabilitation from the permitted facility except for release, veterinary care, or transfer to another permitted wildlife rehabilitation facility;
  - (e) Habituate wildlife to humans;
  - (f) Exhibit or display wildlife undergoing rehabilitation;
  - (g) Transport wildlife across state lines for rehabilitation, release, or for any purpose, unless authorized by the commissioner because rehabilitation services are not feasibly available within Kentucky and the activities pose minimal disease risk. Authorization shall not be granted for rabies vector species;
  - (h) Simultaneously hold captive wildlife under a captive wildlife permit, as established in 301 KAR 2:081, while holding wildlife under a wildlife rehabilitation permit; or
  - (i) Simultaneously hold captive cervids under a captive cervid permit as established in 301 KAR 2:083, while holding wildlife under a wildlife rehabilitation permit.

(3) A permit holder shall only provide necessary supportive care to wildlife undergoing rehabilitation, which shall not permanently diminish their ability to survive and reproduce naturally in the wild.

(4) Cervids.

(a) Except as established in paragraphs (c) and (d) of this subsection, a permit holder shall not rehabilitate or attempt to rehabilitate any cervid:

1. Within a CWD Surveillance Zone;
2. Originating from a CWD Surveillance Zone; or
3. From a distance greater than 100 miles from the rehabilitation facility.

(b) A permit holder shall not transport a cervid into or out of a CWD Surveillance Zone.

(c) A permit holder shall not keep a cervid as non-releasable wildlife within a CWD Surveillance Zone, except that a non-releasable cervid legally obtained before the establishment of a CWD Surveillance Zone may be kept for the life of the animal.

(d) A permit holder in possession of a cervid prior to the establishment of a CWD Surveillance Zone shall only keep the cervid up to 180 days or upon recovery from injury or illness and of suitable age to survive in the wild, whichever comes first, and shall release the cervid within the county of rehabilitation, unless the animal is euthanized or meets the criteria to be kept as non-releasable wildlife.

(e) A wild-born cervid held in captivity for rehabilitation purposes shall not be housed in:

1. The same pen as another captive cervid or housed in direct physical contact with a cervid that originated in captivity; or
2. A pen that has previously housed cervids that originated in captivity.

(5) Rabies vector species.

(a) A permit holder shall not possess, rehabilitate, or attempt to rehabilitate a rabies vector species:

1. Originating from the Enhanced Rabies Surveillance Zone;
2. Inside the Enhanced Rabies Surveillance Zone that originated from outside the Enhanced Rabies Surveillance Zone; or
3. If collected at a distance greater than 100 miles from the rehabilitation facility.

(b) A permit holder shall not transport a rabies vector species into or out of the Enhanced Rabies Surveillance Zone.

(c) A permit holder shall not possess a rabies vector species as non-releasable wildlife, except for:

**1.** Those animals legally held outside the Enhanced Rabies Surveillance Zone prior to April 4, 2023; **and**

**2. [~~Except~~]** Bats (Order Chiroptera) that were legally held outside the Enhanced Rabies Surveillance Zone prior to April 4, 2026.

(d) Except as established in Section 5(5) of this administrative regulation, rabies vector species shall be maintained within an enclosure sufficient to prevent:

1. Escape; and
2. Direct contact with a non-permitted person.



Section 5. Wildlife Release. A permit holder shall:

- (1) Release wildlife immediately upon recovery from injury or illness and when of a suitable age to reasonably survive in the wild;
- (2) Only keep wildlife in a rehabilitation facility for a maximum of 180 days, unless written documentation from the U.S. Fish and Wildlife Service is provided or a release deadline extension is granted, **in accordance with Section 6**~~[(Section 6)]~~;
- (3) Only release wildlife into appropriate habitat for that species;
- (4) Obtain landowner permission before releasing wildlife;
- (5) Release rabies vector species back into the original county of capture or any adjacent county to the county of capture **if**~~[when]~~ outside of the Enhanced Rabies Surveillance Zone and within Kentucky;
- (6) Release reptiles and amphibians at the original point of capture or within the vicinity if point of capture is not suitable habitat; and
- (7) Release cervids in the county in which they were rehabilitated.

Section 6. Release Deadline Extension.

- (1) Upon written request, the Wildlife Division Director shall consider granting an extension to hold wildlife, other than federally protected species, undergoing rehabilitation for longer than 180 days. **This**~~[Any such]~~ request **shall**~~[must]~~ meet the following criteria to be considered:
  - (a) The written request and supporting documentation **shall**~~[must]~~ be received thirty (30) days prior to the required release date;
  - (b) The request shall include documentation **of an evaluation by a veterinarian as defined by KRS 321.181(69)** establishing that the current stage of physiological development renders the individual animal incapable of surviving in the wild if released at 180 days; and
  - (c) Documentation is included justifying the need for and specific benefits of a prolonged rehabilitation period for the individual animal.
- (2) The Wildlife Division Director shall only grant extensions that:
  - (a) Promote and further the purposes of KRS Chapter 150;
  - (b) Would, as determined by the Wildlife Division Director, provide a substantial increase in the individual animal's likelihood of surviving in the wild upon release;
  - (c) Are no longer than necessary to substantially increase the individual animal's likelihood of surviving in the wild upon release; and
  - (d) Are no more than 180 days past the original 180 day release date for the individual animal.

Section 7.~~[Section 6.]~~ Non-releasable Wildlife.

- (1) Except as prohibited by Section 4 of this administrative regulation, wildlife may be considered non-releasable and may be retained by a permit holder if a licensed Kentucky veterinarian certifies in writing that it:
  - (a) Is a mammal with an amputated leg;
  - (b) Lacks adequate vision to function in the wild;
  - (c) Lacks locomotive skills necessary for survival in the wild; or



- (d) Has another permanent injury that is reasonably expected to inhibit survival in the wild, not including habituation to humans.
- (2) Rabies vector species, excluding bats, that meet the criteria for non-releasable wildlife and legally held prior to April 4, 2023, may be allowed to remain in possession of a valid permit holder through the life of the animal by submitting a Wildlife Rehabilitation Non-Releasable Wildlife Report form by April 4, 2023.
- (3) Bats (Order Chiroptera) that meet the criteria for non-releasable wildlife and legally held prior to April 4, 2026, may be allowed to remain in possession of a valid permit holder through the life of the animal by submitting a Wildlife Rehabilitation Non-Releasable Wildlife Report form by July 4, 2026.
- (4)~~[(3)]~~ Rabies vector species legally held as non-releasable, shall not leave the wildlife rehabilitation facility except for veterinary care or transfer to another permitted rehabilitation facility and shall be included on the Wildlife Rehabilitation Annual Report.
- (5)~~[(4)]~~ A person who legally possesses non-releasable rabies vector species shall not replace that wildlife after its death.
- (6)~~[(5)]~~ Except as established in Section 5(5) of this administrative regulation, non-releasable rabies vector species shall be maintained within an enclosure sufficient to prevent:
- (a) Escape; and
  - (b) Direct contact with non-permitted persons.
- (7)~~[(6)]~~ Only non-releasable wildlife may be displayed, except that non-releasable rabies vector species shall not be displayed. Displays shall only be for conservation education purposes.
- (8)~~[(7)]~~ Non-releasable migratory birds may be transferred with prior approval from the issuing federal Migratory Bird Permit Office.
- (9)~~[(8)]~~ All non-releasable wildlife shall be housed and maintained at a permitted wildlife rehabilitation facility.

Section 8.~~[Section 7.]~~ Facilities and Operating Standards.

- (1) All wildlife rehabilitation facilities shall pass a facility inspection.
- (2) An applicant's or permit holder's facility and property on which the facility is located that is under the department's jurisdiction and used for the purpose of wildlife rehabilitation, shall be inspected by a game warden~~[conservation officer]~~ using a Wildlife Rehabilitation Facility Inspection Checklist to document compliance with this administrative regulation before a permit is obtained or renewed.
- (3) A permit holder shall allow any game warden~~[conservation officer]~~, and all department staff accompanying a game warden~~[conservation officer]~~, to access the wildlife rehabilitation facility and the property on which the wildlife rehabilitation facility is located that is under the department's jurisdiction and used for the purpose of wildlife rehabilitation, at any reasonable time and frequency to carry out the purposes of this administrative regulation.
- (4) A facility, and all methods of confinement, shall comply with the Minimum Standards for Wildlife Rehabilitation.
- (5) A permit holder shall:
- (a) Only rehabilitate wildlife at a facility that has passed an annual facility inspection; and

- (b) List the addresses of all facilities on the Wildlife Rehabilitation Permit Application.
- (6) A permit holder shall allow a game warden~~[conservation officer]~~ to inspect a~~[the]~~ holding facility~~[facilities]~~ and property on which the facility is~~[facilities are]~~ located that is under the department's jurisdiction and used for the purpose of wildlife rehabilitation, at any reasonable time and frequency.
- (7) The game warden~~[conservation officer]~~ shall immediately notify the applicant or permit holder and the Wildlife Division director if the inspection reveals that the facility is not in compliance with this administrative regulation and shall provide a completed Wildlife Rehabilitation Facility Inspection Checklist to the appropriate Wildlife Division personnel within three (3) business days.
- (8) If an inspection determines that a facility is not in compliance with a KRS Chapter 150 and KAR Title 301, the game warden~~[conservation officer]~~ shall make a second inspection after ten (10) calendar days, and the permit application shall be denied or the permit shall be revoked ~~[and all wildlife confiscated immediately]~~ if the unsatisfactory conditions have not been corrected.
- (9) If an applicant or permit holder refuses to allow a game warden~~[conservation officer]~~ to fully conduct an inspection, the permit application shall be denied or the permit shall be revoked ~~[and all wildlife confiscated immediately]~~.

#### Section 9.~~[Section 8.] Rabies Exposure.~~

- (1) If a mammal bites a person, or a mammal shows symptoms of a rabies infection, the animal shall be dispatched in a manner so as to preserve the brain intact and the animal's head shall be submitted for testing immediately to a laboratory approved by the Secretary for Health and Family Services to be tested for rabies, as established in 902 KAR 2:070, Section 5 and KRS 258.085(1)(c).
- (2) Department staff shall confiscate and dispatch any wild mammal that bites a person or shows symptoms of a rabies infection.

#### Section 10. Sub-permittees.

- (1) A sub-permittee is responsible for reading and complying with all provisions in 301 KAR 2:075 and **shall**~~[must]~~ sign a completed Wildlife Rehabilitation Sub-Permittee Assignment form, to be submitted by the permit holder, prior to assisting with any rehabilitation activities.
- (2) A sub-permittee **shall**~~[must]~~ work under the supervision of a valid permit holder.
- (3) A sub-permittee's authorization to assist with rehabilitation activities shall only be assigned to a single permit holder.
- (4) The permit holder **shall be**~~[is]~~ responsible for training and supervision of all sub-permittees listed under their supervision. Any violations that occur from a sub-permittee's rehabilitation activities shall be attributed to the permit holder for the purposes of permit denials, suspensions, or revocations.
- (5) The permit holder **shall**~~[must]~~ submit to the department via email at fwpermits@ky.gov, a Wildlife Rehabilitation Sub-Permittee Assignment form immediately upon removing a sub-



permittee from under their supervision or prior to a new sub-permittee beginning to perform any rehabilitation activities.

(6) A permit holder shall not allow an individual to assist them as a sub-permittee until the department provides written approval of the sub-permittee.

(7) A sub-permittee shall not be approved if the individual:

(a) Has been convicted of a state or federal fish and wildlife violation within one (1) year; or

(b) Is currently under a suspension, revocation, or denial period from holding a wildlife rehabilitation permit.

#### Section 11.~~[Section 9.]~~ Veterinarians.

(1) A veterinarian **as defined by KRS 321.181(69) and licensed by the Kentucky Board of Veterinary Examiners,** is not required to obtain a wildlife rehabilitation permit to temporarily possess, stabilize, or euthanize sick and injured wildlife, only for the purpose of providing immediate critical care.

(2) A veterinarian who does not possess a valid wildlife rehabilitation permit shall transfer wildlife to a permitted wildlife rehabilitator according to the requirements of this regulation, within twenty-four (24) hours after the animal's condition is stabilized and no longer requires critical care, unless wildlife is euthanized.

(3) A veterinarian who rehabilitates wildlife shall possess a valid wildlife rehabilitation permit.

(4) A permit holder shall follow veterinarian's medical instructions, **in accordance with**~~[per]~~ KRS 321.185.

(5) A veterinarian shall keep medical records of all wildlife treated, in accordance with KRS Chapter 321 and 201 KAR Chapter 16 and provide records to department staff upon request.

(6) Only a licensed veterinarian or licensed veterinarian technician shall perform euthanasia using AVMA approved non-inhaled chemical methods under KRS Chapter 321.

#### Section 12.~~[Section 10.]~~ Wildlife Possession.

(1)~~(a)~~ Any person who finds sick, injured, displaced, or orphaned wildlife may, without a permit, take possession of the animal in order to immediately transport it to a permitted wildlife rehabilitator, except a person who:

**1.**~~(a)~~ Regularly transports wildlife for rehabilitation purposes **and possesses**~~[shall possess]~~ a valid wildlife rehabilitation permit; ~~or~~

**2. Is**~~[shall be]~~ a sub-permittee for an individual who possesses a valid wildlife rehabilitation permit.~~;~~ **and**

(b) **Any person who** finds sick, injured, displaced, or orphaned federally protected migratory birds within a nest shall not, without a state and federal permit, take possession of the animal as established in 50 C.F.R. 21.12(d)(10).

(2) A wildlife rehabilitation permit shall not confer ownership of any wildlife species held under a wildlife rehabilitation permit, including non-releasable wildlife.

(3) All wildlife held under a permit shall remain under the stewardship of the Department of Fish and Wildlife Resources, except that federally-protected wildlife remain under the stewardship of both the Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.



(4) Wildlife shall be surrendered to the department, for processing and disposition pursuant to KAR Title 301[], upon being presented with a written order by the commissioner for failure to comply with KRS Chapter 150 or KAR Title 301.

Section 13.~~[Section 14.]~~ Federally-Protected Species. A person rehabilitating federally protected species shall possess valid Kentucky and federal wildlife rehabilitation permits, except that a person may be authorized as a USFWS sub-permittee on a federal migratory bird rehabilitation permit, under a federal permit holder, per 50 C.F.R. 21.31.

(1) USFWS sub-permitted ~~[Sub-permitted]~~ persons on a federal migratory bird rehabilitation permit conducting wildlife rehabilitation activities shall possess a valid state wildlife rehabilitation permit.

(2) A permit holder shall immediately notify the department in writing or by email to fwpermits@ky.gov, of any federally threatened or endangered wildlife species, delivered, received, recovered, or retained for rehabilitation.

(3) A general or master class falconry permit holder may condition raptors for subsequent release into the wild for a permitted wildlife rehabilitator, as established in 301 KAR 2:195, only for the species the falconry permit holder is allowed to possess.

(4) Falconers that rehabilitate wildlife, except for conditioning raptors, **in accordance with**~~[per]~~ this section, shall possess a valid wildlife rehabilitation permit.

Section 14.~~[Section 12.]~~ Revocation and Denial of Permits and Appeal Procedure.

(1) Denial and revocation.

(a) The department shall revoke the permit, deny the issuance of a new permit, or deny a renewal of an existing or lapsed permit~~[and confiscate wildlife]~~ of a person who is convicted of a violation of any provisions of:

1. KRS Chapter 150;
2. 301 KAR Chapters 1 through 5; or
3. Any federal statute or regulation related to hunting, fishing, or wildlife.

(b) The department shall revoke the permit, deny the issuance of a new permit, or deny a renewal of an existing or lapsed permit~~[and confiscate wildlife]~~ from a person who:

1. Provides false information on a Wildlife Rehabilitation Permit Application, federal permit, Wildlife Rehabilitation Annual Report, Wildlife Rehabilitation Non-Releasable Wildlife Report, Wildlife Rehabilitation Facility Inspection Checklist, or records;
2. Acquires wildlife prior to receiving an approved wildlife rehabilitation permit;
3. Fails a facility inspection, as established in Section 8[7] of this administrative regulation;
4. Fails to comply with any provision of this administrative regulation, 301 KAR 3:120, 301 KAR 2:081, 301 KAR 2:082, 301 KAR 2:083, 301 KAR 2:195, or 301 KAR 2:251;
5. Allows a non-permitted person to rehabilitate, assist in wildlife rehabilitation, access, or have direct contact with wildlife undergoing rehabilitation or non-releasable rabies vector species;

6. Fails to contain wildlife in enclosures that meet Minimum Standards for Wildlife Rehabilitation except during treatment, release, or transfer as established in Section 7[6] of this administrative regulation;
7. Keeps wildlife beyond the maximum rehabilitation period, subject to any extensions granted pursuant to Section 6 of this administrative regulation;
8. Accepts rabies vector species within the enhanced Rabies Surveillance Zone;
9. Accepts rabies vector species that originated from the Enhanced Rabies Surveillance Zone;
10. Transports rabies vector species into or out of the Enhanced Rabies Surveillance Zone;
11. Fails to possess a valid federal permit or be listed as a USFWS sub-permittee on a federal permit to rehabilitate federally protected wildlife;
12. Accepts cervids within a CWD Surveillance Zone;
13. Accepts cervids that originated within a CWD Surveillance Zone;~~[-or]~~
14. Transports cervids into or out of a CWD Surveillance Zone; or
15. Has a sub-permittee working under their permit who violates the provisions of this administrative regulation.

(c) A fee shall not be refunded for a permit that is revoked.

(2) Confiscated wildlife.

(a) All wildlife shall be confiscated if a wildlife rehabilitation permit is revoked or denied, a person possesses native wildlife for the purpose of wildlife rehabilitation without a valid wildlife rehabilitation permit, or a facility fails a facility inspection per Section 8[7] of this administrative regulation.

(b) Confiscated wildlife shall be released; transferred with the approval of the Wildlife Division Director based on the animal's health, survivability, probability of placement, rabies vector species designation, and federal protection status; or dispatched~~[-except that rabies vector species shall be dispatched immediately].~~

(c) Wildlife shall not be returned to the permit holder or facility from which they were confiscated.

(3) Denial period.

(a) An applicant whose permit has been revoked or denied for the grounds established in this section shall be ineligible to reapply, and all applications shall be denied for the period established in subparagraphs 1. through 3. of this paragraph.

1. The initial denial period shall be one (1) year.

2. A second denial period shall be three (3) years.

3. A third or subsequent denial period shall be five (5) years.

(b) During the denial period, a person whose wildlife rehabilitation permit has been denied or revoked shall not rehabilitate wildlife or assist in the rehabilitation of wildlife.

(4) Administrative hearings.

(a) An individual whose permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

(b) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or the revocation.



(c) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(d) The hearing officer's recommended order shall be considered by the commissioner, and the commissioner shall issue a final order, pursuant to KRS Chapter 13B.

Section 15.~~[Section 13.]~~ Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Minimum Standards for Wildlife Rehabilitation, Fourth Edition" 2012 edition;

(b) "United States Department of Agriculture Enhanced Rabies Surveillance Zone", 2025 Edition.

~~(c)[(b)]~~ "Wildlife Rehabilitation Annual Report", 2022 edition;

~~(d)[(c)]~~ "Wildlife Rehabilitation Permit Application", **May 2025**~~[2022]~~ edition;

~~(e)[(d)]~~ "Wildlife Rehabilitation Non-Releasable Wildlife Report", 2022 edition;~~and~~

~~(f)[(e)]~~ "Wildlife Rehabilitation Facility Inspection Checklist", 2022 edition; and

(g) "Wildlife Rehabilitation Sub-Permittee Assignment", July 2025 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. until 4:30 p.m. or online at:

(a) Minimum Standards for Wildlife Rehabilitation, Fourth Edition:  
<https://thewrc.org/resources/guidelines-for-wildlife-rehabilitation>;

(b) United States Department of Agriculture Enhanced Rabies Surveillance Zone:  
<https://fw.ky.gov/Wildlife/Pages/Rabies.aspx>;

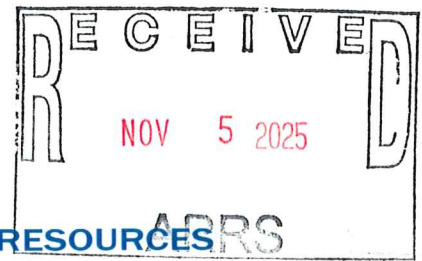
(c) Wildlife Rehabilitation Annual Report: <https://fw.ky.gov/Wildlife/Documents/Wildlife-Rehab-Annual-Rpt.pdf>;

(d) Wildlife Rehabilitation Permit Application: <https://fw.ky.gov/Licenses/Documents/Wildlife-Rehab-Permit-App.pdf>;

(e) Wildlife Rehabilitation Non-Releasable Wildlife Report:  
<https://fw.ky.gov/Wildlife/Documents/Non-Release-Wildlife-Rpt.pdf>;

(f) Wildlife Rehabilitation Facility Inspection Checklist:  
<https://fw.ky.gov/Wildlife/Documents/Wildlife-Rehab-FAC-Inspection-Checklist.pdf>; and

(g) Wildlife Rehabilitation Sub-Permittee Assignment:  
<https://fw.ky.gov/Licenses/Documents/Wildlife-Rehab-Sub-Permittee-Assign.pdf>.



**KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES**

**Rich Storm**  
Commissioner

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Frankfort, Kentucky 40601  
Phone (502) 564-3400  
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**Gabe Jenkins**  
Deputy Commissioner

November 3, 2025

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
Rm 083, Capitol Annex  
Frankfort KY 40601

Re: 301 KAR 6:070. [Boat dealers]Motorboat dealer and manufacturer registration.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 6:070, the Kentucky Department of Fish and Wildlife Resources proposes the attached suggested substitute to 301 KAR 6:070 to this ordinary regulation.

Sincerely,

A handwritten signature in black ink that reads "Jenny Gilbert".

Jenny Gilbert  
Legislative Liaison  
Commissioner's Office  
Kentucky Department of Fish and Wildlife Resources  
1 Sportsmen's Lane  
Frankfort, KY 40601



**SUGGESTED SUBSTITUTE**

**TOURISM, ARTS AND HERITAGE CABINET  
Department of Fish and Wildlife Resources**

**301 KAR 6:070. ~~[Boat-dealers]~~Motorboat dealer and manufacturer registration.**

RELATES TO: KRS 150.010(1), 150.195, 235.040, 235.220

STATUTORY AUTHORITY: KRS 150.021(1), 150.025, 235.220(1)

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the commissioner with approval of the commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 235.220 authorizes the department to establish an annual registration fee for a manufacturers or dealer of motorboats in the state of Kentucky. This administrative regulation establishes the~~annual registration fee for boat manufacturers and dealers and establishes the~~ requirements for registering as a boat manufacturer and boat dealer.

Section 1. ~~[Definitions.]~~

~~[(1)] ["Boat dealer" means a person who is in the business of selling motorboats in Kentucky, other than a personal boat.]~~

~~[(2)] ["Boat manufacturer" means a person who is in the business of manufacturing boats in Kentucky.]~~

~~[(3)] ["Dealer or manufacturer certificate" means the certificate issued to a boat manufacturer or boat dealer that bears an identification number assigned by the department signifying registration as a boat manufacture or a boat dealer.]~~

~~[(4)] ["Plate" means a moveable identification tag bearing a number assigned by the department signifying registration as a boat manufacture or a boat dealer.]~~

Section 2.] Registration Application.

(1) A person shall apply annually for a boat manufacturer's or boat dealer's registration on **the Motorboat Dealer and Manufacturer Registration**~~(an)~~ application provided by the department or via the department's Internet site.

(2) A new application for annual registration shall be submitted each year to the department. Boat manufacturer and dealer certificates and plates shall expire April 30 of each year.

(3) Information to be provided on the application shall include:

(a) Name, address, and contact information;

(b) Address of business;

(c) Number of boats manufactured or sold in the year prior to application;

(d) Type of vessel manufactured or sold; and

(e) Copy of the Sales and Use Tax Permit issued by the Revenue Cabinet. If an applicant is using the Internet to process his or her application, he shall insert the six (6) digit account number issued by the Revenue Cabinet on the Sales and Use Tax Permit.

(4) A manufacturer shall include on an application for annual registration the assigned U.S. Coast Guard assigned manufacturers identification code.

(5) **With the application**, an applicant shall include the applicable fee for the **Motorboat Dealer and Manufacturer**~~[Boat Manufacturer or Boat Dealer]~~ Registration or for additional plate copies as ~~[referenced at <https://fw.ky.gov/Licenses/Pages/Fees.aspx> and]~~ established in 301 KAR 5:022 **and available at <https://fw.ky.gov/Licenses/Pages/Fees.aspx>**~~[a \$100 annual registration fee]~~**[- with his or her application]**.

(6) The registration provisions of this section shall not apply to licensed out-of-state manufacturers and dealers who are attending boat shows and other temporary exhibitions in Kentucky, **if [provided]** their home state grants Kentucky manufacturers and dealers similar reciprocal privileges.

Section 2.~~[Section 3.]~~ Certification and Plate.

(1) Boat manufacturers and dealers shall place in a conspicuous location at his or her place of business, the certificate issued by the department.

(2) The plate shall be kept aboard a boat and readily available for inspection by a game warden~~[law enforcement]~~~~[officer]~~. The boat shall also abide by the registration requirements of KRS 235.220.

Section 3.~~[Section 4.]~~ Revocation of Certificate and Registration. A boat dealer or manufacturer shall forfeit his or her registration certificate and plate if he or she has:

- (1) Been convicted of a violation of KRS Chapter 235;
- (2) Falsified his or her application for certification as a boat manufacturer or dealer; or
- (3) Misused his or her boat dealer or manufacturer certification and plate.

Section 4.~~[Section 5.]~~ Incorporation by Reference.

(1) **"Motorboat Dealer and Manufacturer**~~[The Boat Manufacturer and Boat Dealer]~~ Registration", 2025 edition,~~[The Annual Application for Boat Manufacturer or Boat Dealer Registration, 2003 edition,]~~ is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. or online at: <https://fw.ky.gov/Licenses/Documents/Motorboat-Dealer-Manufacturer-Reg-App.pdf> for the "Boat Dealer and Manufacturer Registration" application.

Approved by the Fish and Wildlife Commission

CONTACT PERSON: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email [fwpubliccomments@ky.gov](mailto:fwpubliccomments@ky.gov).