

CHAPTER 51**(SB 158)**

AN ACT relating to licensure and certification of dietitians and nutritionists.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 310.041 is amended to read as follows:

The board shall:

- (1) Promulgate administrative regulations in accordance with KRS Chapter 13A implementing the provisions of KRS 310.005, 310.021, 310.031, 310.040, 310.041, 310.042, 310.050, 310.070, and 310.990;
- (2) Issue initial licenses and certificates and license and certificate renewals;
- (3) Notify in writing any person determined by the board to be in violation of this chapter or the administrative regulations promulgated thereunder. The notification shall state that the person may request a hearing by the board within an amount of time specified by the board. If a hearing is requested, the hearing shall be conducted in accordance with KRS Chapter 13B. If the person fails to request the hearing, or if the board determines from the hearing that the person is in violation of this chapter or the administrative regulations promulgated thereunder, the board may apply to the Circuit Court of the county in which the violation occurred for an injunction or other appropriate restraining order to prohibit the continued violation;
- (4) Publish and make available to the public, upon request and for a fee not to exceed the actual cost of printing and mailing, the administrative regulations of the board and the requirements for licensure and certification;
- (5) Establish fees, subject to maximum limitations prescribed in this chapter, in amounts sufficient to pay the expenses of the board directly attributable to the performance of its duties pursuant to the provisions of this chapter;
- (6) Review and approve or reject the qualifications of all applicants for licensure and certification and issue all approved licenses and certificates;
- (7) Collect or receive all fees, fines, and moneys owed pursuant to the provisions of this chapter and to deposit all fees, fines, and moneys into the State Treasury to the credit of a revolving fund for the use of the board. No part of this revolving fund shall revert to the general funds of this Commonwealth;
- (8) Deny, suspend, or revoke the license or certification of or to otherwise discipline or fine, by administrative penalty not to exceed five hundred dollars (\$500), or reprimand a license or certificate holder found guilty of violating any provisions of this chapter or the administrative regulations promulgated thereunder;
- (9) ***Promulgate administrative regulations in accordance with KRS Chapter 13A to establish conditions for granting a retired or inactive licensure status; and***
- (10) ***Promulgate administrative regulations in accordance with KRS Chapter 13A to establish procedures to permit a licensee or certificate holder to voluntarily relinquish a license or certificate and conditions to reinstate a voluntarily relinquished license or certificate.***

➔Section 2. KRS 310.050 is amended to read as follows:

- (1) The board, by duly-promulgated administrative regulation, shall establish fees for the application, reinstatement, and renewal of a license or certificate and fees for reciprocal and duplicate licensure or certification.
- (2) No fee shall exceed fifty *dollars* (\$50).
- (3) A license or certificate shall be renewed annually and only upon timely payment of the renewal fee and documented successful completion of continuing education ***as required by the board***~~consistent with the requirements of the Commission on Dietetic Registration~~.
- (4) A licensee or certificate holder who fails to renew his ***or her*** license or certificate within sixty (60) days after renewal becomes due shall have ~~the~~~~his~~ license or certificate automatically revoked without further notice or hearing. Any person whose license ***or certificate*** is automatically revoked as provided in this subsection may

have ~~the~~^{his} license or certificate reinstated by the board in its discretion upon payment of all past-due renewal fees and a reinstatement fee.

- (5) *Subsections (3) and (4) of this section shall not apply if the board has granted the license or certificate holder a special license or certificate status under subsection (9) or (10) of Section 1 of this Act.*

Signed by Governor April 10, 2008.