

BOARDS AND COMMISSIONS
Board of Licensure for Long-Term Care Administrators
(Amendment)

201 KAR 6:040. Renewal, reinstatement, and reactivation of license.

RELATES TO: KRS 36.450, 216A.080, 216A.090, 42 U.S.C. 1396(g)

STATUTORY AUTHORITY: KRS 216A.070(3), 216A.090

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216A.070(3) authorizes the Board of Licensure for Long-term Care Administrators to promulgate administrative regulations necessary for the proper performance of its duties. KRS 216A.090 requires the holder of a license to renew that license biennially and authorizes the board to refuse renewal for failure to comply with KRS Chapter 216A or the administrative regulations promulgated thereunder. This administrative regulation establishes the requirements and procedures for renewal, late renewal, inactive licensure, and reinstatement.

Section 1. License Renewal.

(1) A license shall be renewed every two (2) years from date of issue or from date of last renewal. To apply for renewal, a licensee shall:

- (a) Submit a completed Renewal Form;
- (b) Pay the appropriate renewal fee established in 201 KAR 6:060; and
- (c) Provide proof he or she has completed the continuing education requirements established in 201 KAR 6:070, Section 10.

(2) A licensee may renew the license within sixty (60) days of the renewal date by submitting a completed Renewal Form to the board and payment of the late renewal fee established in 201 KAR 6:060. During this sixty (60) day grace period, a licensee may continue to practice as a long-term care administrator.

(3) Except as provided by KRS 36.450, a license not renewed by the end of the sixty (60) day grace period shall expire and the licensee shall not practice in the Commonwealth.

Section 2. Voluntary Inactivation of License.

(1) To voluntarily request a license in good standing be placed in inactive status, a licensee shall:

- (a) Request inactive status, in writing or through the e-services licensee portal; and
- (b) Pay the inactive licensee fee established in 201 KAR 6:060.

(2) A license in inactive status shall expire two (2) years following the date it became inactive unless the licensee renews his or her inactive license biennially by submitting the Renewal Form and submitting payment of the appropriate fee established in 201 KAR 6:060.

Section 3. Expiration Pending Disciplinary Action.

(1) A licensee that allows his or her license to expire pursuant to Section 1(3) of this administrative regulation while the licensee is the subject of a complaint as defined in 201 KAR 6:090 shall result in the license expiring in bad standing.

(2) A license that has expired in bad standing shall not be reinstated unless the licensee agrees to submit to the complaints procedure established in 201 KAR 6:090 and responds to the complainant's allegations of misconduct that occurred prior to the license expiring in bad standing. Following the complaints procedure established in 201 KAR 6:090, the board may deny reinstatement of the license on the basis that the complainant's allegations have been sustained, the acts constitute a violation of KRS Chapter 216A or the administrative regulations promulgated thereunder, and that refusal to reinstate the license is an appropriate penalty.

(3)

(a) Any person whose license has expired in bad standing may submit a written and signed petition to the board requesting that their licensing file be amended to reflect the person's license expired in good standing and voluntarily submit to the complaint procedure established in 201 KAR 6:090.

(b) Upon receiving a written petition from a person whose license expired in bad standing, and following the complaints procedure established in 201 KAR 6:090, the board shall issue a final order that:

1. Dismisses the underlying complaint and amends the person's licensing file to reflect the license expired in good standing; or
2. Makes findings that the underlying complaint has been substantiated by a preponderance of the evidence and imposes discipline as authorized by KRS 216A.070(1)(f).

(4) The board may, upon the request from a professional licensing board of another state pursuant to the requesting state's laws permitting the transfer or endorsement of a Kentucky long-term care administrator's license, provide the requesting professional licensing board a copy of the full investigative file of the complaint and a statement that the licensee allowed his or her license to expire in bad standing prior to the board fully adjudicating the complaint. The board shall not provide its opinion regarding the merits of the complaint unless the person has voluntarily submitted to the complaints process established in 201 KAR 6:090.

Section 4. Reinstatement of License.

(1) To apply for reinstatement of a license expired in good standing, a licensee shall, within two (2) years from the date of expiration:

- (a) Submit a completed Application for Licensure, incorporated by reference in 201 KAR 6:020;
- (b) Pay the reinstatement fee established in 201 KAR 6:060; and
- (c) Provide proof he or she has completed the continuing education requirements established in 201 KAR 6:070, Section 10.

(2) A license shall not be reinstated if the board does not receive the application for reinstatement within two (2) years of the date the license expired. A licensee whose license has been expired for more than two (2) years may apply for a new license pursuant to 201 KAR 6:020.

Section 5. Reactivation of License.

(1) To apply for reactivation of a license voluntarily placed in inactive status pursuant to Section 2 of this administrative regulation, a licensee shall, within two (2) years from the date of inactive status:

- (a) Submit a completed Application for Licensure, incorporated by reference in 201 KAR 6:020;
- (b) Pay the reactivation fee established in 201 KAR 6:060; and
- (c) Provide proof he or she has met the continuing education requirements pursuant to 201 KAR 6:070, Section 10.

(2) A license shall not be reactivated if the board does not receive the Application for Licensure within two (2) years of the date the license was either placed in inactive status or renewed in inactive status pursuant to Section 2 subsection (2) of this administrative regulation.

Section 6. Renewal of a Suspended License.

(1) To apply for renewal of a license suspended following the complaints procedure established in 201 KAR 6:090, a licensee shall renew his or her license in accordance with Section 1 of this administrative regulation, notwithstanding the fact that the suspension period has not been fully served at the time of renewal.

(2) Renewal shall not entitle the licensee to engage in the practice until the suspension has ended, or is otherwise removed by the board or a court of competent jurisdiction and the right to practice is restored by the board.

Section 7. Renewal or Reinstatement of a Revoked License Prohibited.

(1) A license that has been revoked by the board following the complaints procedure established in 201 KAR 6:090 shall not be renewed or reinstated.

(2) Two (2) years after the date a person's license has been revoked by the board the person may apply for licensure as a new applicant pursuant to 201 KAR 6:020.

(3) The board may deny a new application by a person whose license has been revoked pursuant to KRS 216A.080(1)(c).

(4) If the board denies an application by a person whose license has been revoked pursuant to this section of this administrative regulation, the applicant may appeal the board's decision and request a hearing pursuant to KRS Chapter 13B to provide proof that he or she is of good moral character and is otherwise suitable to practice as a long-term care administrator notwithstanding his or her previously revoked license.

Section 8. Incorporation by Reference.

(1) The "Renewal Form", November 2021~~following material~~ is incorporated by reference~~[-]~~

~~[(a)] ["Renewal Form", March 2014; and]~~

~~[(b)] ["Application for Licensure", May 2019].~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Long-Term Care Administrators, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material may also be found on the board's Web site at <https://ltca.ky.gov/>.

KENNETH URLAGE, Board Chair

APPROVED BY AGENCY: November 4, 2021

FILED WITH LRC: November 12, 2021 at 11:46 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 10:00 a.m. EST on January 31, 2022, at 500 Mero Street, 133CE, Frankfort, Kentucky 40601. All attendees shall comply with all Executive Orders relating to the State of Emergency as may be in effect on the date of the public hearing, which may be found at: <https://governor.ky.gov/covid-19>. Members of the public may utilize the following link to attend the meeting by video conference:

CONTACT PERSON: Kevin Winstead, Commissioner, Department of Professional Licensing, 500 Mero Street, phone (502) 782 - 8805, fax (502) 564-3969, email KevinR.Winstead@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kevin Winstead

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the requirements and procedures for renewal, late renewal, inactive licensure, and reinstatement.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to set forth the requirements for renewal, late renewal, inactive licensure, and reinstatement.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

The Board is required by KRS 216A.070 to regulate the practice of long-term care administration and promulgate administrative regulations regarding how to obtain a license. KRS 216A.080 also authorizes the Board to promulgate administrative regulations regarding licensure.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation assists in the effective administration of the statute by setting forth the requirements for renewal, late renewal, inactive licensure, and reinstatement.

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

(a) How the amendment will change this existing administrative regulation:

It updates the regulation to delete a form, which should not be incorporated in this regulation.

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

It is necessary to only incorporate the correct form.

(c) How the amendment conforms to the content of the authorizing statutes:

See (1)(c).

(d) How the amendment will assist in the effective administration of the statutes:

See (1)(d).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This regulation will affect the 976 individuals licensed by the Board.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

None. It only updates the form incorporated by reference.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

None. It only updates the form incorporated by reference.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

It will assist licensees by providing the correct form.

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

(a) Initially:

None.

(b) On a continuing basis:

None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Current Board funding will be used to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No additional funding or increase in fees is needed.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

No fees are directly or indirectly established or increased by the administrative regulation.

(9) TIERING: Is tiering applied?

Tiering is not applicable as the proposed language will be applied equally to all entities impacted by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Board of Licensure for Long-term Care Administrators.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 216A.070 and 216A.080

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

The administrative regulation will not create any additional expenses or revenues for any state or local government agency after implementation. (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fires, or school districts) for the first year? No revenues are expected to be generated by the provisions of this administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

No answer provided.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

None.

(c) How much will it cost to administer this program for the first year?

There are no additional costs.

(d) How much will it cost to administer this program for subsequent years?

See 3(c).

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: