

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

201 KAR 6:030. Temporary permits.

RELATES TO: KRS 12.357, 216A.070(4)

STATUTORY AUTHORITY: KRS 12.357, 216A.070(3), (4)

CERTIFICATION STATEMENT:

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.070(4) authorizes the board to promulgate administrative regulations concerning the issuance of a temporary permit to an individual to practice the art of long-term care administration. KRS 12.357 requires administrative bodies who issue licenses to issue temporary licenses or certificates to the spouses of active-duty military members of the Armed Services of the United States within thirty (30) days if the spouse meets the statutory requirements and applies in a format promulgated in administrative regulation. This administrative regulation establishes the requirements for issuance of a temporary permit for Long-term Care Administrators.

Section 1. Temporary Permits Issued to Fill Emergency Vacancies.

(1) The Department of Professional Licensing may, following consultation with a board member, issue a temporary permit to practice as a long-term care administrator to an applicant if:

- (a) The applicant has submitted an Application for Licensure, form KBLTCA-1, incorporated by reference in 201 KAR 6:040;
- (b) The applicant has completed all of the requirements established in 201 KAR 6:020 except the examination required pursuant to 201 KAR 6:020, Section 2(2), and the management experience required by 201 KAR 6:020, Section 2(3);
- (c) The facility where the applicant is to be employed as the administrator is without a licensed administrator; and
- (d) The facility owner, or a duly authorized representative of the facility, provides a written request and supporting information to the board indicating that an emergency situation exists.

(2) An emergency situation shall exist if:

- (a) The facility is without a licensed long-term care administrator; and
- (b) A licensed long-term care administrator is not available to fill the position.

(3) The request for temporary permit shall include payment of the temporary permit fee established in 201 KAR 6:060, Section 3.

Section 2. Temporary Permits Issued to Spouses of Active Military Members.

(1) The spouse of an active-duty military member of the Armed Forces of the United States may apply for a temporary permit at any time.

(2) The Department of Professional Licensing shall, following consultation with a board member, issue a temporary permit to practice as a long-term care administrator to the spouse of an active-duty military member within thirty (30) days of receipt of the Application for Licensure, form KBLTCA-1, incorporated by reference in 201 KAR 6:040, requesting a temporary permit if:

- (a) The applicant has completed all of the requirements established in 201 KAR 6:020 except the examination required pursuant to 201 KAR 6:020, Section 2(2), and the management experience required by 201 KAR 6:020, Section 21(3);
- (b) The applicant has provided proof they are married to an active-duty member of the Armed Services of the United States;

- (c) The applicant has provided proof that the applicant holds a valid license or certificate for the profession issued by another state, the District of Columbia, or any possession or territory of the United States;
- (d) The applicant has provided proof that the applicant's spouse is assigned to a duty station in this Commonwealth pursuant to the spouse's official active-duty military orders; and
- (e) The applicant has paid the temporary permit fee established in 201 KAR 6:060, Section 3.

Section 3. Restrictions on Temporary Permits.

- (1) A temporary permit shall not be transferred to another individual.
- (2) A temporary permit shall, in accordance with KRS 216A.070(4) or KRS 12.357:
 - (a) Be effective for no longer than nine (9)~~six (6)~~ months from the date it was granted; and
 - (b) Not be renewed by the permit holder.
- (3) The holder of a temporary permit issued pursuant to Section 1 of this administrative regulation may be relocated to another location if an emergency exists at that location during the period in which the permit is effective and a separate request for a declaration of emergency is filed and approved by the board pursuant to Section 1(1)(d) of this administrative regulation.
- (4) An individual shall not be granted a temporary permit more than once during a five (5) year period.
- (5) A temporary permit shall not authorize the individual to whom the permit was issued to manage more than one (1) facility at the same time.
- (6) All temporary permits shall be subject to review by the board at the meeting immediately following issuance of the permit. The board shall revoke a temporary permit that does not satisfy the requirements of KRS 216A.070(4), KRS 12.357, or this administrative regulation.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency.

DAVID MCKENZIE, Chair

APPROVED BY AGENCY: June 12, 2025

FILED WITH LRC: June 13, 2025 at 10:10 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 26, 2025 at 10:00 a.m., at 500 Mero Street, PPC Conference Room 259SW, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Lilly Jean Coiner Executive Advisor, Department of Professional Licensing, Office of Legal Services, 500 Mero Street, 2 NC WK#4, phone (502) 262-5065 (office), fax (502) 564-4818, email Lilly.coiner@ky.gov. Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Lilly Coiner

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation authorizes the Department of Professional Licensing, following consultation with a board member, to issue a temporary permit in two situations. The temporary permit may be issued in response to an emergency situation in which a long-term care facility currently does not have a licensed long-term care administrator and is unable to locate a licensed long-term care administrator to fill the vacancy, or it may be issued to the spouse of an active military member of the United States Armed Forces notwithstanding the absence of an emergency situation.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to comply with the provisions of KRS 216A.070(4) and KRS 12.357.

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

This administrative regulation is authorized by KRS 216A.070(4) and KRS 12.357

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

This administrative regulation will assist with the issuance of temporary permits which are authorized to be issued pursuant to KRS 216A.070(4) and KRS 12.357.

(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:

This amendment extends the time limit for holding a temporary permit from six (6) months to nine (9) months.

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

The amendment is necessary to allow temporary permits to extend through the full length of the statutorily permitted period.

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

KRS 216A.070(4) authorizes a temporary permit to be valid for a period not to exceed nine (9) months.

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

This amendment will assist the board in issuing temporary permits that extend through the full length of the statutorily permitted period.

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

Approximately 720 individuals are licensed by the Board. This regulation primarily relates to future unidentified applicants for temporary permits.

(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:

Individuals applying for a temporary permit must fill out the Application and Checklist for Licensure and pay the temporary permit fee of \$175. This process is not altered from previous regulation.

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

Individuals seeking a temporary permit must pay \$175. This fee is not increased from previous regulation.

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

As a result of compliance, temporary permits will last nine (9) months.

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

(a) Initially:

There will be no cost associated with implementing this administrative regulation.

(b) On a continuing basis:

There will be no continuing cost associated with implementing this administrative regulation.

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

The board's operations are funded by fees paid by licensees.

(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:

An increase in fees or funding will not be necessary to implement the change to this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied?

Tiering is not applied to this administrative regulation because the administrative regulation applies equally to all licensees.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

KRS 12.357, 216A.070(3), (4)

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

This administrative regulation is not expressly authorized by an act of the General Assembly.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Kentucky Board of Licensure for Long-Term Care Administrators is the promulgating agency and the only other affected state unit, part or division.

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

1. Expenditures:

For the first year:None

For subsequent years:None.

2. Revenues:

For the first year:None.

For subsequent years:None.

3. Cost Savings:

For the first year:None.

For subsequent years:None.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

None anticipated. (b) Estimate the following for each affected local entity identified in 4(a):

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

1. Expenditures:

For the first year:None

For subsequent years:None.

2. Revenues:

For the first year:None.

For subsequent years:None.

3. Cost Savings:

For the first year:None.

For subsequent years:None.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

There are no other affected regulated entities not otherwise listed. (b) Estimate the following for each regulated identified in 5(a):

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

1. Expenditures:

For the first year:N/A.

For subsequent years:N/A.

2. Revenues:

For the first year:N/A.

For subsequent years:N/A.

3. Cost Savings:

For the first year:N/A.

For subsequent years:N/A.

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

(a) Fiscal impact of this administrative regulation:

There is no fiscal impact of this administrative regulation.

(b) Methodology and resources used to reach this conclusion:

No methodology and resources were necessary because there is no fiscal impact.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13):

This administrative regulation will not have an overall negative or adverse major economic impact to the entities identified.

(b) The methodology and resources used to reach this conclusion:

No methodology and resources were necessary because there is no "major economic impact."