

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 said application is made pursuant to KRS 314A.110(4), and the applicant is duly authorized to practice in another state, is in good standing in that state, and holds an RRT or CRT credential issued by the National Board for Respiratory Care, or its equivalent.

Section 3. Reactivation and Reinstatement.

- (1) A certificate holder wishing to reactivate an inactive certificate shall submit:
 - (a) A completed Application for Reactivation; and
 - (b) The \$135 reactivation fee.
- (2) A certificate holder wishing to reinstate an expired certificate shall submit:
 - (a) A completed Application for Reinstatement; and
 - (b) The \$200 reinstatement fee.

Section 4. All fees shall be nonrefundable.

Section 5. Fees set forth this 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>.

MARLENE MCKINLEY, RRT, Board Chair

ADOPTED BY AGENCY: April 17, 2025

FILED WITH LRC: August 15, 2025 at 9:45 a.m.

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

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Morgan G. Ransdell

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

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes all fees charged by the board.

(b) The necessity of this administrative regulation:

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

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

By establishing all fees charged by the board.

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

By establishing all fees charged by the board.

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

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

The amendment clarifies the biennial renewal cycle, specifies that fees are not prorated based upon date of an application, and waives, for active-duty military members and their spouses, the application fee for an initial mandatory certificate to practice by endorsement from another state.

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

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

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

By bringing the regulation into conformity with KRS 12.357, and by clarifying the renewal cycle and the rule that certification fees are not prorated.

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

By bringing the regulation into conformity with KRS 12.357, and by clarifying the renewal cycle and the rule that certification fees are not prorated.

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

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

The 4,141 active credential holders subject to the Board's regulatory authority, the 195 inactive credential holders, and future applicants for initial licensure or reinstatement.

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

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment:

An active-duty military member or their spouse, when seeking waiver of fees for initial certification by endorsement, will need to provide proof of an RRT or CRT credential issued by the National Board for Respiratory Care, or its equivalent, authorization to practice in another state, and good standing in that state.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

Nothing, as the amendment brings the regulation into conformity with KRS 12.357 by eliminating the cost imposed upon active-duty military members and their spouses when seeking initial certification by endorsement from another state.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

The amendment brings the regulation into conformity with KRS 12.357 by eliminating the cost imposed upon active-duty military members and their spouses when seeking initial certification by endorsement from another state.

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

(a) Initially:

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

(b) On a continuing basis:

The collective fiscal impact of the waiver of fees for active-duty military members and their spouses is nominal. The other amendments to the regulation will have no fiscal impact on the agency.

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

Agency funds.

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

No fee increase or funding is required.

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

It does not.

(10) TIERING: Is tiering applied?

Tiering is not applied and is not needed given the context and substance of the regulation.

FISCAL IMPACT STATEMENT

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

KRS 314A.205, 314A.220.

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

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

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

The Kentucky Board of Respiratory Care.

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

1. Expenditures:

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

For subsequent years:The amendment will not impact expenditures.

2. Revenues:

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

For subsequent years:The amendment will not impact revenues.

3. Cost Savings:

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

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

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

None.

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

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

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

Licensure applicants and licensees.

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

1. Expenditures:

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

For subsequent years:The amendment will not necessitate expenditures.

2. Revenues:

For the first year:No revenues to estimate.

For subsequent years:No revenues to estimate.

3. Cost Savings:

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

For subsequent years:No cost savings for regulated entities.

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

(a) Fiscal impact of this administrative regulation:

The amendment will not have a fiscal impact on the entities identified in (3)(a), (4)(a), and (5)(a).

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

None.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):

This administrative regulation will not have a major economic impact as it relates to the entities identified in (3)(a), (4)(a), and (5)(a).

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

None.