

BOARDS AND COMMISSIONS

Board of Respiratory Care

(Amendment)

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

RELATES TO: KRS 314A.225

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.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. 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.

Section 1. Notification of Final Decision of the Board. 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 to the following:

- (1) Complaining party;
- (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.

MARLENE MCKINLEY, RRT, Board Chair

APPROVED 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.