

BOARDS AND COMMISSIONS

Board of Respiratory Care (Amendment)

201 KAR 29:050. Continuing education requirements.

RELATES TO: KRS 314A.115

STATUTORY AUTHORITY: KRS 314.115, 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.115 requires the submission of proof of continuing education in order to renew certification. KRS 314A.110(6) requires applicants seeking reinstatement to comply with continuing education requirements. This administrative regulation delineates the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

Section 1. Definitions.

- (1) "AARC" means American Association for Respiratory Care.
- (2) "Academic courses" means courses offered by an accredited postsecondary institution including:
 - (a) A respiratory care course, designated by a respiratory care course number of 400 or greater, intended for students who have already received an associates or bachelor's degree in respiratory care, and who have already passed a National Board for Respiratory Care or its equivalent entry-level certification examination, ~~beyond the premandatory certification level~~; and
 - (b) An academic course applicable to respiratory care practice and appropriate for the respiratory care practitioner employed in the areas of clinical practice, administration, education, or research.
- (3) ~~"American Association for Respiratory Care approval" or "AARC approval" means any offering having received recognition by this organization.~~
- ~~[(4)] ["Approved" means Kentucky Board of Respiratory Care (KBRC) recognized.]~~
- ~~[(5)] "Continuing education unit" means sixty (60) contact minutes of participating in continuing education experiences.~~
- (4) ~~[(6)]~~ "Offering" means an organized learning experience:
 - (a) Planned and evaluated to meet behavioral objectives; and
 - (b) Presented in one (1) session or in a series.
- (5) ~~[(7)]~~ "Relevant" means having content applicable to the practice of respiratory care.
- (6) ~~[(8)]~~ "Sponsor" means an individual or organization, other than AARC, applying for approval of continuing education programs.
- (7) ~~[(9)]~~ "Successful completion" means that the practitioner has:
 - (a) Satisfactorily met and can appropriately document the specific requirements of the offering; and
 - (b) Earned the continuing education units.

Section 2. Accrual of Continuing Education Units Mandatory; Computation of Accrual.

- (1) A minimum of twenty-four (24) continuing education units shall be accrued by each person holding mandatory certification during the two (2) year certification period for renewal, and at least one (1) hour of which shall be in or relevant to ethics in the field of respiratory care.
- (2) The certification period shall be January 1 of one (1) year through December 31 of the following calendar year, regardless of when a mandatory certificate is issued.

(3) All units shall be in or relevant to the field of respiratory care.

Section 3. Methods of Acquiring Continuing Education Units. Continuing education units applicable to the renewal of the mandatory certificate shall be directly relevant to the professional growth and development of the respiratory care practitioner. Units may be earned by completing any of the following educational activities:

- (1)
 - (a) Academic courses as defined in Section 1 of this administrative regulation; and
 - (b) Academic credit equivalency for continuing education units shall be based on one (1) credit hour = fifteen (15) continuing education units;
- (2) Continuing education units approved by AARC;
- (3) Continuing education units offered by other organizations or institutions approved by the Board or the executive director in accordance with this administrative regulation; or
- (4) Scientific and educational lectures, workshops, or seminars presented by a person holding a mandatory certificate.
 - (a) A maximum of double the continuing education units offered may be credited for scientific and educational lectures, workshops, or seminars presented by the certificate holder.
 - (b) Credit shall not be issued for repeated instruction of the same course.

Section 4. Procedure for Preapproval of Sponsors.

- (1) A sponsor desiring approval of a continuing education offering prior to attendance shall apply for approval to the board at least forty-five (45) days in advance of the date of the offering, on the Application for Continuing Education Approval stating the type of learning activity, the subject matter, the date and time of the program, and the names and qualifications of the instructors. A continuing education activity shall be approved if the board or the executive director determines that the activity being presented:
 - (a) Is an organized program of learning;
 - (b) Pertains to subject matters which are integrally relevant to the practice of respiratory care;
 - (c) Contributes to the professional competency of the certificate holder~~[licensee]~~; and
 - (d) Is conducted by individuals who have educational training, or experience acceptable to the board.
- (2) A nonrefundable and one (1) ~~[]~~ time fee of twenty-five (25)~~[ten (10)]~~ dollars shall be charged for each continuing education offering. Alternatively, a sponsor may pay a fee of \$100, which shall satisfy the fee requirement for all preapproval submissions by that sponsor for the full calendar year in which the fee is paid.
- (3) Board approval of a ~~[An approved]~~ continuing education offering shall expire two (2) years from the date of approval.
- (4) A continuing education offering shall be approved in increments of no less than thirty minutes.
- (5) Product based continuing education offerings shall be approved for a maximum of up to two (2) continuing education units per product.
- (6) The Board or the executive director may choose not to approve a sponsor's offerings if it is determined that~~[the Board finds]~~ the sponsor engaged in fraud, deceit, or misrepresentations concerning any continuing education offerings.

Section 5. Procedure for Postapproval of an Individual Holding a Mandatory Certificate.

- (1) An individual holding a mandatory certificate desiring postapproval of a continuing education offering shall, within ninety (90) days after the date the continuing education program is conducted, submit an Application for Continuing Education Approval stating the type of learning activity, the subject matter, the date and time of the program, and the

names and qualifications of the instructors. A continuing education activity shall be postapproved if the board or the executive director determines that the activity presented:

- (a) Was an organized program of learning;
 - (b) Pertained to subject matters which are integrally relevant to the practice of respiratory care;
 - (c) Contributed to the professional competency of the certificate holder~~[licensee]~~; and
 - (d) Was conducted by individuals who have the requisite educational training, or experience~~[acceptable to the board]~~.
- (2) Board approval of a ~~[An approved]~~ continuing education offering shall expire two (2) years from the date of approval.
- (3) A continuing education offering shall be approved in increments of no less than thirty (30) minutes.
- (4) Product based continuing education offerings shall be approved for a maximum of up to two continuing education units per product.
- (5) The Board or the executive director may choose not to approve an individual's offerings if it is determined that~~[the Board finds]~~ the individual engaged in fraud, deceit, or misrepresentations concerning any continuing education offerings.

Section 6. All continuing education units and academic courses shall be preapproved or postapproved for credit.

- (1) If a continuing education unit is approved by AARC~~[ARRC]~~, it shall be considered preapproved.
- (2) An academic course shall be postapproved upon completion of the course.

Section 7. Responsibilities and Reporting Requirements of Certificate Holders. A certificate holder shall be responsible for obtaining required continuing education units. The certificate holder shall identify their~~[his or her own]~~ continuing education needs, take the initiative in seeking continuing professional education activities to meet these needs, and seek ways to integrate new knowledge, skills, and attitudes. Each person holding mandatory certification shall:

- (1) Select board approved activities by which to earn continuing education units; and
- (2) Maintain all documentation verifying successful completion of continuing education units for a period of three (3) years from conclusion of the certification period in which the continuing education unit was obtained.

Section 8. Audit Procedures.

- (1) In January following the certification period, the Board or the executive director shall initiate an audit a minimum of fifteen (15) percent of certificate holders who were designated to complete continuing education by December 31 of the preceding year, and shall notify the individuals selected for audit in writing on or before February 10 of the year in which the audit is conducted.
- (2) Each certificate holder chosen for an audit shall furnish documentation of completion of continuing education units for the certification period by March 1 of the year in which the audit is conducted. Documentation shall include:
 - (a) Official transcripts for completed academic courses;
 - (b) A copy of the program showing an individual as a presenter of scientific and educational lectures, workshops, or seminars;
 - (c) Official verification from an official Registrar for academic courses taught; or
 - (d) Completion certificates or cards, including a course number, for relevant offerings whether preapproved or postapproved.
- (3) Each certificate holder chosen for an audit shall also submit a Continuing Education Audit Verification Form by March 1 of the year in which the audit is conducted. ~~[It shall be submitted before March 1 of the year following the certification period.]~~

(4) Failure to fully comply with the provisions of this administrative regulation shall constitute unprofessional conduct as set forth in KRS 314A.225 and may result in the filing of an agency-initiated complaint pursuant to KRS 314A.225 and 201 KAR 29:030 §2(3)~~[refusal to renew, suspension, or revocation of the certification].~~

Section 9. Temporary Certificate Holders; Limited Mandatory Certificate Holders; Expired and Inactive Certificates. Continuing education requirements shall not apply to the holders of a temporary certificate,~~for~~ a limited mandatory certificate, an expired certificate, or an inactive certificate.

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Continuing Education Approval", 4/17/2025~~[6/11]~~; and

(b) "Continuing Education Audit Verification Form", 4/17/2025~~[6/11]~~; and

~~[(c)] ["Application for Renewal", 8/11.]~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Respiratory Care, 1714 Perryville Road, Suite 200, Danville, Kentucky 40422~~[163 W. Short Street, Suite 350, Lexington, Kentucky, 40507]~~, Monday through Friday, 8 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

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.

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 delineates the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

(b) The necessity of this administrative regulation:

KRS 314A.115 requires the submission of proof of continuing education in order to renew certification. KRS 314A.110(6) requires the submission of proof of continuing education in order to reinstate certification. KRS 314A.205(3) requires the Board to promulgate administrative regulations to carry out the provisions of KRS Chapter 314, including the provisions related to continuing education.

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

By delineating the requirements for continuing education and prescribing methods and standards for the accreditation of continuing education courses.

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

By delineating the requirements for continuing education and prescribing methods and standards for the accreditation of continuing education courses.

(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 definition of "academic courses." The amendment adds a one-hour ethics requirement with each batch of CE needed for renewal. The amendment authorizes the E.D. to approve CE courses in both the preapproval and post-attendance contexts, and to implement CE audit processes. The amendment increases the fee for pre-approval of CE from \$10 to \$25, but allows a sponsor seeking approval for multiple CE courses the option of an unlimited number of approvals in a single calendar year for a fee of \$100. The amendment specifies a February 10 deadline for post-attendance approval requests regarding academic courses, and specifies a March 1 deadline for CE audit responses. The amendment clarifies that the consequence of a CE audit nonresponse is the disciplinary process, not an immediate revocation or denial of licensure.

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

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

By delineating the requirements for continuing education and prescribing methods and standards for the accreditation of continuing education courses.

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

By delineating the requirements for continuing education and prescribing methods and standards for the accreditation of continuing education courses.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

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

Continuing education providers who seek preapproval, 4141 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:

The fee for pre-approval of an individual CE course will increase from \$10 to \$25, but a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for most continuing education providers. While the total number of requisite continuing education hours needed for renewal remains unchanged, certificate holders will now be required to receive one hour of continuing education on ethics each biennial renewal cycle.

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

The fee for pre-approval of an individual CE course will increase from \$10 to \$25, but a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers.

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

Many continuing education providers will achieve a cost savings as a result of the provision of the amendment that will allow a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100.

(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.

(b) On a continuing basis:

There are no monetary costs associated with the implementation of the amendment, either initially or on an ongoing basis.

(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:

While the amendment increases the fee for pre-approval of an individual continuing education program from \$10 to \$25, a sponsor seeking approval for multiple CE

courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers. No other fee or funding changes are expected to result from this change, as the impact on agency revenues is expected to be net neutral.

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

While the amendment increases the fee for pre-approval of an individual continuing education program from \$10 to \$25, a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers. No other fee or funding changes are expected to result from this change, as the impact on agency revenues is expected to be net neutral.

(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.115 requires the submission of proof of continuing education in order to renew certification. KRS 314A.110(6) requires the submission of proof of continuing education in order to reinstate certification.

(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 314, including the provisions related to continuing education.

(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:While the amendment increases the fee for pre-approval of an individual continuing education program from \$10 to \$25, a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers. No other fee or funding changes are expected to result from this change, as the impact on agency revenues is expected to be net neutral.

For subsequent years:While the amendment increases the fee for pre-approval of an individual continuing education program from \$10 to \$25, a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers. No other fee or funding changes are expected to result from this change, as the impact on agency revenues is expected to be net neutral.

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):

Continuing education providers who seek preapproval, mandatory certificate holders, and future applicants for licensure.

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

1. Expenditures:

For the first year:The amendment will not impact expenditures for mandatory certificate holders and future applicants. While the amendment increases the fee for pre-approval of an individual continuing education program from \$10 to \$25, a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers.

For subsequent years:The amendment will not impact expenditures for mandatory certificate holders and future applicants. While the amendment increases the fee for pre-approval of an individual continuing education program from \$10 to \$25, a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers.

2. Revenues:

For the first year:The amendment will not impact revenues for mandatory certificate holders, future applicants, or sponsors who seek preapproval of continuing education courses.

For subsequent years:The amendment will not impact revenues for mandatory certificate holders, future applicants, or sponsors who seek preapproval of continuing education courses.

3. Cost Savings:

For the first year:While the amendment increases the fee for pre-approval of an individual continuing education program from \$10 to \$25, a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers.

For subsequent years:While the amendment increases the fee for pre-approval of an individual continuing education program from \$10 to \$25, a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers.

(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 licensees or future applicants. While the amendment increases the fee for pre-approval of an individual continuing education program from \$10 to \$25, a sponsor seeking approval for multiple CE courses will have the option of an unlimited number of approvals in a single calendar year for a fee of \$100. This will result in a net decrease in costs for many continuing education providers. No other fee or funding changes are expected to result from this change, as the impact on agency revenues is expected to be net neutral.

(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.