

BOARDS AND COMMISSIONS

Board of Respiratory Care

(Amendment)

201 KAR 29:060. Continuing education requirements for persons on inactive status; waiver.

RELATES TO: KRS 314A.115

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.115 requires the submission of proof~~[a certificate holder to show evidence]~~ 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 continuing education requirements for mandatory certificate holders on inactive status, as well as the circumstances under which waivers or extensions for the requirements may be granted.

Section 1.

(1) The board may, in individual cases involving medical disability, illness, or military duty, grant waivers of the minimum continuing education requirements or extensions of time within which to fulfill the requirements or make the required reports.

(2) A written request for waiver or extension of time shall be submitted by the person holding mandatory certification on or before the renewal deadline, and shall be accompanied by a verifying document signed by a licensed physician, or a copy of orders for military deployment.

(3) A waiver of the minimum continuing education requirements or an extension of time within which to fulfill the same may be granted by the board for a period of time not to exceed one (1) calendar year.

(4) If the medical disability, illness, or military duty upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the person holding mandatory certification shall reapply.

Section 2. Continuing educational requirements shall be waived for a certificate holder on inactive, suspended or revoked status during the period they remain inactive, suspended or revoked. If a certificate holder applies to the board to return to active status, or for reinstatement, ~~they~~~~[he or she]~~ shall submit proof that they have~~[he has]~~ completed twenty-four (24) continuing education units within the twenty-four (24) month period immediately preceding the date on which the application is submitted, and at least one (1) hour of which shall be in or relevant to ethics in the field of respiratory care. The certificate holder who seeks to transition from inactive to active status may request that ~~they~~~~[he or she]~~ be allowed to return to active status immediately, with the provision that ~~they~~~~[he or she]~~ shall receive twenty-four (24) continuing education units referenced above within six (6) months of the date on which ~~they~~~~[he]~~ return to active status. The certificate holder shall also be responsible for meeting the requirements of 201 KAR 29:050 in order to properly qualify for renewal of ~~their~~~~[his or her]~~ certification in the next renewal~~[certification]~~ period. Conversely, certificate holders who seek to transition from revoked or suspended status must complete the required continuing education units prior to applying for reinstatement.

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 continuing education requirements for mandatory certificate holders on inactive status, as well as the circumstances under which waivers or extensions for the requirements may be granted.

(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 applicants seeking reinstatement to comply with continuing education requirements.

(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 specifies that requests for CE waivers are due on or before the renewal deadline, and clarifies the CE requirement for applicants seeking reinstatement/reactivation, including one hour of ethics.

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

The amendment is needed to clearly delineate the requirements for continuing education. By implication, KRS 446.084 mandates that all regulations be clear, accurate, and unambiguous, and the amendment addresses this need.

(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:

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:

While the total number of requisite continuing education hours needed for renewal or reinstatement remains unchanged, certificate holders will now be required to receive one hour of continuing education on ethic 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):

No costs will result from the amendment.

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

The amendment will serve the Board mission to protect both the public and the integrity of the profession.

(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:

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.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.

(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) expressly authorizes the agency to promulgate administrative regulations to carry out the purposes of the KRS Chapter 314A, including the implementation of continuing education requirements.

(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 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 cost savings.

For subsequent years:The amendment will not cost savings.

(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.