

**BOARDS AND COMMISSIONS**  
**BOARD OF LICENSED DIABETES EDUCATORS**  
**(Amendment)**

**201 KAR 45:150. Complaint procedures.**

RELATES TO: KRS 309.335

STATUTORY AUTHORITY: KRS 309.331, 309.335

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.331 requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.330 to 309.339. This administrative regulation provides for the complaint procedures to be used by the board in the enforcement of those statutes and administrative regulations promulgated thereunder.

Section 1. Definitions.

- (1) "Board" is defined by KRS 309.325(1).
- (2) "Charge" means a specific allegation contained in any document issued by the board alleging a violation of a specified provision of KRS 309.325 through 309.339.
- (3) "Complaint" means a written complaint alleging a violation of KRS 309.325 through 309.339.
- (4) "Complainant" means a person who files a complaint pursuant to this administrative regulation.
- (5) "Formal complaint" means a formal administrative pleading authorized by the board that establishes a charge against a licensee or applicant and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B.

Section 2. Complaints. A complaint:

- (1) Shall be submitted by completing a "Complaint Form", Form DPL-BDE-07, July 2025~~[DE-06]~~ and signed by the person offering the complaint; or
- (2) May be filed by the board based upon information in its possession.

Section 3. Receipt of Complaints.

- (1) A copy of the complaint shall be mailed to the individual named in the complaint along with a request for that individual's response to the complaint.
- (2) The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written response to the board.
- (3) Upon receipt of the written response of the individual named in the complaint, a copy of the response shall be sent to the complainant.
- (4) The complainant shall have seven (7) days from receipt to submit a written reply to the response to the board.

Section 4. Initial Review.

- (1)
  - (a) After the receipt of the complaint and the expiration of the period for the individual response, the board shall consider the individual's response, complainant's reply to the response, and any relevant material available.
  - (b) The names of the individuals and other identifying information shall be redacted to provide anonymity.
  - (c) The board shall determine whether there is enough evidence to warrant a formal investigation of the complaint.
- (2) If the board determines before formal investigation that a complaint is without merit, it shall:
  - (a) Dismiss the complaint; and

- (b) Notify the complainant and respondent of the board's decision.
- (3) If the board determines that a complaint warrants a formal investigation, it shall conduct a formal investigation into the matter.

Section 5. Results of Formal Investigation; Board Decision on Hearing.

- (1) Upon completion of the formal investigation, the board shall determine whether there has been a prima facie violation of KRS 309.325 to 309.339 or the administrative regulations promulgated thereunder. If so, a formal complaint shall be filed.
- (2) If the board determines that a complaint does not warrant the issuance of a formal complaint, it shall:
  - (a) Dismiss the complaint; and
  - (b) Notify the complainant and respondent of the board's decision.
- (3) If the board determines that a violation has occurred but is not serious, the board shall issue a written admonishment to the license holder.
  - (a) A copy of the written admonishment shall be placed in the permanent file of the license holder.
  - (b) The license holder shall have the right to file a response in writing to the admonishment within thirty (30) days of its receipt and may have it placed in the license holder's permanent file.
  - (c) Alternatively, the license holder may file a request for a hearing with the board within thirty (30) days of the admonishment.
  - (d) Upon receipt of the request, the board shall set aside the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.
- (4)
  - (a) If the board determines that a complaint warrants the issuance of a formal complaint against the license holder, the board or its counsel shall prepare a formal complaint that states clearly the charge or charges to be considered at the hearing.
  - (b)
    - 1. The formal complaint shall be reviewed by the board and, if approved, signed by the chair and served upon the individual as required by KRS Chapter 13B.
    - 2. The formal complaint shall be processed in accordance with KRS Chapter 13B.

Section 6. Settlement by Informal Proceedings.

- (1) The board, through counsel, may enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.
- (2) An agreed order or settlement reached through this process shall be approved by the board and signed by the chair and the individual who is the subject of the complaint.
- (3) The board may employ mediation as a method of resolving the matter informally.

Section 7. Incorporation by Reference.

- (1) The Information & Complaint Form With Authorization for the Use and Disclosure of Health Information, DPL-BDE-08, July 2025, ["Complaint Form", Form DE-06, 06/2013,] is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensed Diabetes Educators, Department of Professional Licensing, 500 Mero Street, ~~[2SC32,]~~ Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to ~~4:30~~~~[5]~~ p.m.

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.

*E. BLAIR LYKINS, Chair*

APPROVED BY AGENCY: November 4, 2025

FILED WITH LRC: November 10, 2025 at 9:40 a.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on January 27, 2026, at 2:00 P.M. Eastern Time, in PPC Conference Room 127CW, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky. 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 January 31, 2026. 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:** Name: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services. Address: 500 Mero Street, 2 NC WK#2, Frankfort, Kentucky 40602, Phone Number: (502) 782-2709 (office), Fax: (502) 564-4818, Email: Sara.Janes@ky.gov, Link to PPC public comment portal: [https://ppc.ky.gov/reg\\_comment.aspx](https://ppc.ky.gov/reg_comment.aspx)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person:**Sara Janes

**Subject Headings:**Diabetes Educators, Licensing, Board and Commissions

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

The regulation establishes disciplinary complaint procedures for the Board.

**(b) The necessity of this administrative regulation:**

This regulation is necessary because it provides the procedures for the Board to follow in receiving and resolving complaints.

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

The Board is given the authority to establish regulations in KRS 309.331(1).

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

This administrative regulation provides complaint procedures for the Board to follow.

**(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 will update and rename the form for making a complaint, which will now be the Information & Complaint Form With Authorization for the Use and Disclosure of Health Information, DPL-BDE-08, to include information about the complaint process, as well as include a HIPAA release.

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

The amendment is necessary to update the material incorporated by reference for formatting consistent and to provide the public with information regarding the complaint process, and to obtain the HIPAA release for medical records for efficiency and expediency during the complaint process.

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

KRS 309.331 authorizes the board to promulgate administrative regulations to carry out and enforce KRS 309.325 to 309.339 and to issue renewals; and KRS 309.335 authorizes the board to investigate complaints for enforcement of KRS Chapter 309.

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

The amendment will assist in the effective administration of the statutes by updating the forms to include the statutory and regulatory authority for the provisions of the form, to provide information to the public about the complaint process, and to obtain a HIPAA release of relevant medical records at the inception of the process.

**(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:**

There are currently 244 credential holders and two (2) inactive credential holders.

**(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:**

They will have to comply with any requests for investigation or hearings made by the Board pursuant to a complaint.

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

It may cost them the expenses associated with a complaint or hearing and any fines resulting from the complaint or hearing.

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

They will have the benefit of an opportunity to file formal complaints and have an opportunity to be heard regarding any complaints that may be filed against them

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

**(a) Initially:**

No cost is anticipated.

**(b) On a continuing basis:**

No cost is anticipated.

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

The board's operation is funded by the fees paid by licensees and applicants

**(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:**

There is no increase in fees or funding anticipated by this amendment.

**(9) 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 directly or indirectly.

**(10) TIERING: Is tiering applied?**

Tiering was not applied because these requirements apply 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 309.331.

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

Yes. KRS 309.331(3). Created 2011 Ky. Acts ch. 87, sec. 4, effective June 8, 2011.

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

The Kentucky Board of Licensed Diabetes Educators is housed for administrative purposes within the Office of Occupations and Professions in the Public Protection Cabinet

**(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.

**(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):**

None.

**(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:**

This administrative regulation will not have a fiscal impact as there are no revenues or expenditures generated since fees are attached in another administrative regulation.

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

The board requested its fiscal administrator provide a budget analysis to determine if this administrative regulation will generate revenue for the Board and it determined it will not.

**(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 an overall negative or adverse major economic impact.

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

Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.