

## **BOARDS AND COMMISSIONS**

### **Board of Respiratory Care (Amended at ARRS Committee)**

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

RELATES TO: KRS 61.870-61.884, 314A.225, 42 U.S.C. 1396r-2, 45 C.F.R. 60.9

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.205(3) requires the board to promulgate administrative regulations to carry out the provisions of KRS Chapter 314A. KRS 314A.225 authorizes the board to impose disciplinary sanctions against certificate holders and applicants. 42 U.S.C. 1396r-2 and 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:

- (1) Complaining party;
- (2) Employer;
- (3) Appropriate national and state agencies; and
- (4) 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.

(201 KAR 029:040. 19 Ky.R. 836; 1071; eff. 11-9-92; 27 Ky.R. 3134; eff. 7-16-2001; Crt eff. 12-6-2019; 52 Ky.R. 471, 959; eff. 1-22-2026.)

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CONTACT PERSON: Morgan G. Ransdell, Board Attorney, Kentucky Board of Respiratory Care, 1714 Perryville Rd, Suite 200, Danville, Kentucky 40422; phone (502) 665-9600, email Morgan.Ransdell@ky.gov.