

STATEMENT OF EMERGENCY
201 KAR 17:070E.

Pursuant to KRS 13A.190(1)(a)2., KRS 334A.055, and KRS 334A.188 SECTION 3.B.1, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 657 which requires the Board of Speech-Language Pathology and Audiology (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license issued by the Board to engage in the practice of speech-language pathology and audiology, and applicants seeking to reinstate a license. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 334A.055 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act. As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure applications—whereby the Board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "prevent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)2. This emergency amended administrative regulation is temporary and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency amendment and will be identical.

MARGARET ADKINS, Au.D., CCC-A, Board Chair
ANDY BESHEAR, Governor

BOARDS AND COMMISSIONS
Board of Speech-Language Pathology And Audiology
(Emergency Amendment)

201 KAR 17:070E. Complaint procedure.

RELATES TO: KRS 334A.080(1), 334A.180

STATUTORY AUTHORITY: KRS 334A.055, 334A.080(3)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.180 establishes the causes for which disciplinary action may be taken against a licensee. KRS 334A.055 authorizes the board to require a criminal background check for any person licensed to engage in a profession authorized by the board who is the subject of a complaint alleging prohibited conducts as described in KRS 334A.175. This administrative regulation establishes procedures for the filing, evaluation, and disposition of an administrative complaint.

Section 1. Receipt of Complaints.

(1) A complaint:

(a) May be submitted by an:

1. Individual;
2. Organization; or
3. Entity;

(b) Shall be:

1. In writing utilizing the "Complaint Form – Information Sheet – Authorization for Release of Medical and Client Records", form DPL-SLPA-11; and
2. The Complaint form shall be signed by the person making the complaint; and

(c) May be filed by the board based upon information in its possession.

(2)

(a) Upon receipt of a complaint, a copy of the complaint shall be sent to the individual named in the complaint along with a request for that individual's response to the complaint. The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written response.

(b) Upon receipt of a copy of the written response of the individual named in the complaint, a copy of the response shall be sent to the complainant. The complainant shall have seven (7) days from the receipt to submit a written reply to the response.

Section 2. Initial Review.

(1) After the receipt of a complaint and the expiration of the period identified in Section 2(2) of this administrative regulation, the complaint screening committee shall consider the individual's response, complainant's reply to the response, and any other relevant material available and make a recommendation to the board. 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, the board 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, the board shall:

(a) Authorize an investigation into the matter; and

(b) Order a report to be made to the complaint screening committee at the earliest opportunity.

Section 3. Results of Formal Investigation; Board Decision on Hearing.

(1)

- (a) Upon completion of the formal investigation, the investigator shall submit a report to the complaint screening committee of the facts regarding the complaint.
- (b) The committee shall review the investigative report and make a recommendation to the board.
- (c) The board shall determine whether:
 - 1. There has been a prima facie violation of KRS Chapter 334A or the administrative regulations promulgated thereunder; and
 - 2. A complaint shall be filed.
- (2) If the board determines that a complaint does not warrant issuance of a formal complaint, the board shall:
 - (a) Dismiss the complaint; and
 - (b) Notify the complainant and respondent of the board's decision.
- (3)
 - (a) If the board determines that a violation has occurred but is not serious, the board may issue a written admonishment to the licensee.
 - (b) A copy of the written admonishment shall be placed in the permanent file of the licensee.
 - (c) The licensee shall have the right to:
 - 1. File a response in writing to the admonishment within thirty (30) days of its receipt and have the response placed in their permanent file; or
 - 2. File a request for a hearing with the board within thirty (30) days of the admonishment.
 - (d) Upon receipt of a request for a hearing pursuant to subsection (c)2. above, the board shall set aside the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.
- (4) If the board determines that a complaint warrants the issuance of a formal complaint against a respondent, the complaint screening committee shall prepare a formal complaint which states clearly the charge or charges to be considered at the hearing. 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.
- (5) If the board determines that a person may be in violation of KRS 334A.030(2), the board shall:
 - (a) Order the individual to cease and desist from further violations of KRS 334A.030(2), and may:
 - (b) Forward information to the county attorney of the county of residence of the person allegedly violating KRS 334A.030(2) with a request that appropriate action be taken under KRS 334A.990; or
 - (c) Initiate action in Franklin Circuit Court for injunctive relief to stop the violation of KRS 334A.030(2) pursuant to KRS 334A.990(2).
- (6) The board may require a national and state criminal background investigation performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) for any licensee who is the subject of a complaint alleging prohibited conduct as described in KRS 334A.175. The results shall be submitted directly to the board.

Section 4. Settlement by Informal Proceedings.

- (1) The board, through counsel and the complaint screening committee, may, at any time during this process, 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 individual who is the subject of the complaint and the chair.
- (3) The board may employ mediation as a method of resolving the matter informally.

Section 5. Notice and Service Process. A notice required by KRS Chapter 334A or this administrative regulation shall be issued pursuant to KRS Chapter 13B.

Section 6. Notification. The board shall make public:

- (1) Its final order in a disciplinary action under KRS 334A.180 with the exception of a written admonishment issued pursuant to Section 4(3) of this administrative regulation; and
- (2) An action to restrain or enjoin a violation of KRS 334A.030(2).

Section 7. Incorporation by Reference.

- (1) The following material is incorporated by reference: The "Complaint Form – Information Sheet – Authorization for Release of Medical and Client Records", DPL-SLPA-11, July 2026; is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional Licensing, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

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MARGARET ADKINS, Au.D., CCC-A, Board Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 16, 2026 at 3:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026, at 3:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. 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 September 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or 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 Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: sara.janes@ky.gov Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx