

BOARDS AND COMMISSIONS
KENTUCKY BOARD OF SPEECH-LANGUAGE PATHOLOGY AND
AUDIOLOGY
(Amendment)

201 KAR 17:070. 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. [Definitions.]~~

~~[(1)] ["Chairman" means the chairman or vice-chairman of the board.]~~

~~[(2)] ["Charge" means a specific allegation contained in a formal complaint, as established in subsection (5) of this section, issued by the board alleging a violation of a specified provision of KRS Chapter 334A; the administrative regulations promulgated thereunder; or any other state or federal statute or regulation.]~~

~~[(3)] ["Complaint" means a written allegation of misconduct by a credentialed individual or other person which might constitute a violation of KRS Chapter 334A, the administrative regulations promulgated thereunder, or any other state or federal statute or regulation.]~~

~~[(4)] ["Complaint screening committee" means a committee consisting of three (3) persons appointed by the chairman of the board to review complaints, investigate reports, and to participate in informal proceedings to resolve a formal complaint, and may include the executive director of the board or another staff member.]~~

~~[(5)] ["Formal complaint" means a formal administrative pleading authorized by the board which sets forth charges against a licensed individual or other person and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests the court to take criminal or civil action.]~~

~~[(6)] ["Informal proceedings" means the proceedings instituted at a stage of the disciplinary process with the intent of reaching a dispensation of any matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.]~~

~~[(7)] ["Investigator" means an individual designated by the board to assist the board in the investigation of a complaint or an investigator employed by the Attorney General or the board.]~~

~~[Section 2.]~~ 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 ~~[Signed]~~ by the person making~~[offering]~~ 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~~his copy of the written response of the individual named in the complaint, a copy of ~~the~~his 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. ~~[Section 3.]~~ Initial Review.

- (1) After the receipt of a complaint and the expiration of the period identified in Section 2(2) of this administrative regulation~~[for the individual's response]~~, 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. ~~[Section 4.]~~ 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~~his 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 [the]~~ 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~~~~chairman~~ 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. ~~Section 5.~~ 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~~~~chairman~~.
- (3) The board may employ mediation as a method of resolving the matter informally.

Section 5. ~~Section 6.~~ 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. ~~Section 7.~~ 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.

201 KAR 17:070

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 October 27, 2026, at 12:00 P.M. noon 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 October 31, 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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Sara Boswell Janes **Phone Number:** (502) 782-2709 (office) **Email:** sara.janes@ky.gov

Subject Headings:Speech-Language Pathology, Audiology, Licensing, Occupations and Professions, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation establishes complaint procedures for the board's administration of violations of statutes and regulations.

(b) The necessity of this administrative regulation:

This regulation is necessary to implement the provisions of KRS 334A.180.

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

This regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

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

This regulation will assist the board in administering this program by delineating complaint procedures for licensees who are alleged to have violated KRS Chapter 334A and 201 KAR Title 17.

(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 adds language relating to the board's authority to require a licensee who is the subject of a complaint alleging prohibited conduct to obtain a national and state criminal background investigation by the KSP and FBI; strikes definitions which have been re-promulgated in a new administrative regulation on definitions and abbreviations; and incorporates the complaint form by reference.

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

This amendment is necessary to give licensees notice of the board's authority to require a criminal background check, to place definitions in a central location, and to incorporate the complaint form by reference.

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

The amendment to this administrative regulation is in conformity with the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

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

The amendment to this administrative regulation will assist the board in administering this program and the efficient collection of necessary information for processing a complaint and to incorporate material not previously incorporated by reference.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2026 Ky. Acts ch. 6, Section 3.

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

This regulation will affect the 4179 active and 85 inactive licensees in some capacity, and will also affect new applicants for licensure.

(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:

A licensee who is the subject of a complaint may be required to have a criminal background investigation report by means of a fingerprint check by the KSP and FBI submitted directly to the Board and pay the required fee directly to the KSP and FBI and use the proper forms.

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

A licensee who is the subject of a complaint may be required to pay fees for a criminal background investigation. The board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

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

The board will have access to necessary information for processing a complaint against a licensee which promotes public safety; and the amendments will identify the necessary complaint form.

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

(a) Initially:

No new costs are anticipated to implement this administrative regulation.

(b) On a continuing basis:

No new costs are anticipated on a continuing basis.

(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 operations are funded by fees paid by credential holders and applicant.
The board's operations are funded by fees paid by credential holders and applicant.

(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 increase in fees or funding will be required to implement this administrative regulation.

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

The amendment to this administrative regulation does not establish fees paid to the board directly. Indirectly, this administrative regulation increases fees paid by a licensee who is the subject of a complaint, however, payment will be to the Kentucky

State Police and Federal Bureau of Investigation for criminal background investigation reports submitted directly to the board.

(10) TIERING: Is tiering applied?

Tiering is not applied to this regulation as it applies to all applicant license types.

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 334A.055 and 334A.080(3).

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

Yes, 2026 Ky. Acts ch. 6, Section 3.

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

(a) The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the Department of Kentucky State Police are the only affected state units, parts or divisions.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:No new expenditures anticipated initially for the Board. Expenditures for the Kentucky State Police are unknown, if any.

For subsequent years:No new expenditures are anticipated on a continuing basis for the Board. Expenditures for subsequent years for the Kentucky State Police are unknown, if any.

2. Revenues:

For the first year:No new revenues are anticipated initially for the Board. This administrative regulation will generate revenue for the Kentucky State Police in the first year, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years:No new revenues are anticipated during subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years, however, based on the average number of applicants paying a projected fee of \$20, the revenue is anticipated to be less than \$10,000 in subsequent years.

3. Cost Savings:

For the first year:Unknown

For subsequent years:Unknown

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

Local law enforcement

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:Unknown

For subsequent years:Unknown

2. Revenues:

For the first year:Unknown

For subsequent years:Unknown

3. Cost Savings:

For the first year:Unknown

For subsequent years:Unknown

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

The Federal Bureau of Investigation.

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

1. Expenditures:

For the first year:Unknown

For subsequent years:Unknown

2. Revenues:

For the first year:This administrative regulation may generate revenue for the Federal Bureau of Investigation in the first year, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

For subsequent years:This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years, however, based on the average number of applicants paying a projected fee of \$18, the revenue is anticipated to be less than \$10,000 in the first year.

3. Cost Savings:

For the first year:Unknown

For subsequent years:Unknown

(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 anticipated revenue for the first year and subsequent years, based on the average number of anticipated applicants with that fee, would be less than \$10,000.

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

Methodology and resources used are the fiscal department within the Public Protection Cabinet, Department of Professional Licensing.

(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):

It is not anticipated that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified.

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

Methodology and resources used are the fiscal department within the Public Protection Cabinet, Department of Professional Licensing.