

STATEMENT OF EMERGENCY
201 KAR 28:060E.

Pursuant to KRS 13A.190(1)(a)2., KRS 319A.075, 2026 Ky. Acts Ch. 6, Section 2 and KRS 319A.310 Section 3.A.5., this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 657 which requires the Kentucky Board of Licensure for Occupational Therapy (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 professional occupational therapy, 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 319A.075, 2026 Ky. Acts Ch. 6, Section 2 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 in nature 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.

JILL PHELPS, Board Chair
ANDY BESHEAR, Governor

BOARDS AND COMMISSIONS
Board of Licensure For Occupational Therapy
(Emergency Amendment)

201 KAR 28:060E. Licensure, renewals, and reinstatements.

RELATES TO: KRS 319A.075, 319A.080, 319A.100, 319A.110, 319A.120, 319A.140, 319A.150, 319A.160, 319A.170

STATUTORY AUTHORITY: KRS 319A.070(1), 319A.075, (3)(a), 319A.100, 319A.160, 319A.170

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319A.070(3)(a) authorizes the board to promulgate administrative regulations and administer the provisions of KRS Chapter 319A. KRS 319A.100 authorizes the board to issue a temporary permit to certain applicants for licensure. KRS 319A.170 requires the board to determine and collect licensure fees. KRS 319A.160 authorizes the board to set fees for renewal, late renewal, reinstatement, and activation of an inactive license. KRS 319A.075, 2026 Ky. Acts Ch. 6, Section 2, requires applicants seeking an initial license and to reinstate a license to obtain a national and state criminal background investigation by means of a fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation sets forth the procedure by which applicants shall apply for, renew, or reinstate a temporary permit or license administered by the board under the provisions of KRS Chapter 319A.

Section 1. Initial Licensure. An applicant for licensure administered by the board who has not previously been licensed, certified, or registered in any state shall submit:

- (1) A completed Application Form, DPL-OT-01, July 2026;
- (2)
 - (a) A certified copy of an official academic transcript from an occupational therapy or occupational therapy assistant program accredited by the ACOTE or its equivalent indicating that the applicant successfully completed educational and fieldwork requirements; or
 - (b) For applicants trained at an educational facility outside the United States, evidence of legal permission, as furnished by the U.S. Department of Immigration and Naturalization, for employment in the United States;
- (3) Electronic or other verification by the NBCOT that the applicant has been certified as an OTR or COTA.
- (4) Submit the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigations (FBI), and make payment of any required fee to the KSP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subparagraph; and
- (5) The appropriate fee for licensure:
 - (a) Fifty (50) dollars for an OT/L; or
 - (b) Thirty-five (35) dollars for an OTA/L; and
- (6) Evidence of successful completion of the jurisprudence exam.

Section 2. Temporary Permit.

- (1) A temporary permit to practice may be issued to an applicant for licensure. An applicant for licensure may request a temporary permit by:
 - (a) Submitting the materials and fee required in Section 1(1), (2), (4), and (5) of this administrative regulation and a completed Supervision Temporary Permit Form, DPL-

OT-02, July 2026, signed by a licensed occupational therapist in good standing with the board.

(b) Providing electronic or other verification by the NBCOT that the applicant:

1. Meets the requirements for certification as an OTR or COTA;
2. Is authorized to take the NBCOT or equivalent exam required by KRS 319A.120; or
3. Has requested an official NBCOT Score Transfer Report be sent to the board.

(c) Providing evidence of successful completion of the jurisprudence exam.

(2) A temporary permit shall be valid for ninety (90) days, and shall be revoked by the Board upon notice that the temporary permit holder has had two (2) unsuccessful attempts to pass the NBCOT exam.

Section 3. Reciprocal Licensure. An applicant for licensure administered by the board that is or has been licensed, certified, or registered in another state shall submit:

- (1) A completed Application Form, DPL-OT-01, July 2026;
- (2) An official statement from the body responsible for licensure of occupational therapists in every jurisdiction in which the applicant has held a license or credential that the individual is in good standing in that jurisdiction;
- (3) A current copy of the certificate issued by the NBCOT stating that the individual met the initial requirements for certification as an OTR or a COTA;
- (4) Evidence of successful completion of the jurisprudence exam; and
- (5) The appropriate fee for licensure:
 - (a) Fifty (50) dollars for an OT/L; or
 - (b) Thirty-five (35) dollars for an OTA/L.

Section 4. License Renewal and Grace Period.

- (1) An individual licensed by the board shall submit annually, on or before October 31:
 - (a) A completed Annual OT/OTA Renewal Application, DPL-OT-03, July 2026;
 - (b) The appropriate fee for renewal:
 1. Fifty (50) dollars for an OT/L;
 2. Thirty-five (35) dollars for an OTA/L; and
 - (c) Evidence of completion of twelve (12) continuing competence units.
- (2) An individual licensed by the board fewer than (90) days prior to the annual renewal date shall not be required to renew during the first year of licensure.
- (3) An individual licensed by the board who has failed to renew as required by subsection (1) of this section shall be granted a sixty (60) day grace period to submit:
 - (a) All items required by subsection (1) of this section; and
 - (b) A late renewal fee of twenty-five (25) dollars.

Section 5. Expired and Inactive Licenses.

- (1) A license not renewed by the conclusion of the grace period shall expire.
- (2) The board shall send the individual holding a terminated license a notice of expiration with instructions to cease and desist the practice of occupational therapy.
- (3) Pursuant to KRS 319A.160(10), a license may be placed in inactive status for up to three (3) years upon petition to the board on the Annual OT/OTA Renewal Application, DPL-OT-03, July 2026. An individual holding an inactive license shall submit annually on or before October 31:
 - (a) The Annual OT/OTA Renewal Application, DPL-OT-03, July 2026; and
 - (b) An inactive renewal fee of ten (10) dollars.

Section 6. License Reinstatement and Activation.

- (1) An expired license shall be reinstated upon submission of:
 - (a) Completed Reinstatement Application, DPL-OT-04, July 2026;
 - (b) Late renewal fee of twenty-five (25) dollars;

- (c) Reinstatement fee of seventy-five (75) dollars;
 - (d) Documentation of employment from time of expiration to present;
 - (e) Documentation of current or initial certification by NBCOT or its equivalent;
 - (f) Completion of NBCOT or equivalent exam;
 - (g) Evidence of completion of continuing competence requirements pursuant to 201 KAR 28:200, Section 2(3) and
 - (h) Submit the results of a national and state criminal background investigation by means of a fingerprint check performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigations (FBI), and make payment of any required fee to the KISP and FBI. Any cases officially expunged shall not have to be disclosed by the applicant and shall not be considered by the board as a conviction for the purposes of this subparagraph.
- (2) An inactive license shall be reactivated upon submission of:
- (a) Written notification to the board of the licensee's intent to return to active status;
 - (b) Identification of the licensee's proposed place of employment;
 - (c) Reinstatement fee of seventy-five (75) dollars; and
 - (d) Evidence of completion of continuing competence requirements pursuant to 201 KAR 28:200, Section 2(3).

Section 7. License Termination.

- (1) A license not reinstated within five (5) years of expiration shall terminate.
- (2) Terminated licenses shall not be eligible for reinstatement.

Section 8. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Application Form", DPL-OT-01, July 2026;
 - (b) "Supervision Temporary Permit Form", DPL-OT-02, July 2026;
 - (c) "Annual OT/OTA Renewal Application", DPL-OT-03, July 2026
 - (d) "Reinstatement Application", DPL-OT-04, July 2026.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure of Occupational Therapy, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and located on the board's website at www.bot.ky.gov.

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JILL PHELPS, Chair

APPROVED BY AGENCY: July 15, 2026

FILED WITH LRC: July 15, 2026 at 4:18 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026 at 11:00 AM, at the Mayo-Underwood Building, Room 127CW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) 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 the contact person by using the PPC public comment portal at the address listed below.

CONTACT PERSON: Name: Catherine Falconer, Title: General Counsel, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street

Phone Number: (502) 782-2735 (office) Fax: (502) 564-4818 Email:
catherine.falconer@ky.gov Link to PPC public comment portal:
https://ppc.ky.gov/reg_comment.aspx