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[, Form OTB-1];

(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.[:]

[(a)] [Meets the requirements of certification as an OTR or COTA;]

[(b)] [Is authorized to take the NBCOT or equivalent exam required by KRS 319A.120; or]

[(c)] [Has requested an official NBCOT Score Transfer Report be sent to the board.]

(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) [(5)] Evidence of successful[successful] completion of the jurisprudence exam.

Section 2. Temporary Permit[Licensure].

(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 ~~[submitting]~~ the materials and fee required in Section 1(1), (2), (4), and (5)~~[through 1(5)]~~ of this administrative regulation and a completed Supervision Temporary Permit Form, DPL-OT-02, July 2026~~[, Form OTB-2]~~, 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. ~~[A temporary permit holder shall be licensed by the board upon successful completion of the jurisprudence exam.]~~

~~[(3)] [A temporary permit holder shall have the permit revoked upon 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~~[, Form OTB-1]~~;

(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~~[, Form OTB-3]~~;

(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[, Form OTB-3]. 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[, Form OTB-3]; 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[, Form OTB-4];

(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;[and]

(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[Form OTB-1, (December 2018)];

(b) "Supervision Temporary Permit Form[,]", DPL-OT-02, July 2026[Form OTB-2, (September 2018)];

(c) "Annual OT/OTA Renewal Application[,]", DPL-OT-03, July 2026[Form OTB-3 (September 2018);]

(d) "Reinstatement Application", DPL-OT-04, July 2026.[Form OTB-4; (September 2018).]

(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.

201 KAR 28:060E
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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Catherine Falconer, General Counsel Phone: 502-782-2735 Email: catherine.falconer@ky.gov

Subject Headings:Occupations and Profession, Compacts, Interstate, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does:
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.

(b) The necessity of this administrative regulation:
This amendment is necessary to ensure compliance with the requirements of KRS 319A.075, 2026 Ky. Acts Ch. 6, Section 2.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
This administrative regulation amendment conforms with the Board's authorizing statute in KRS 319A.070(1)(a) to promulgate administrative regulations to carry out the provisions of KRS Chapter 319A.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
This administrative regulation assists licensees and the Board by providing specific guidance for the licensure process.

(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:
This amendment will incorporate the requirement that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657 so that Kentucky is compliant with the requirements of the Occupational Therapy Licensure Compact for licensees to obtain the privilege to practice in Kentucky and other Member States. This amendment also moves and adds necessary language to promote clarity, clarifies the length of a temporary permit as prescribed by statute, includes a reference to the Board's website, and updates the forms incorporated by reference.

(b) The necessity of the amendment to this administrative regulation:
This amendment will incorporate the requirement that all applicants for licensure obtain a criminal background investigation from the KSP and FBI pursuant to 2026 HB 657 so that Kentucky is compliant with the requirements of the Occupational Therapy Licensure Compact for licensees to obtain the privilege to practice in Kentucky and other Member States. The other amendments are necessary to promote clarity.

(c) How the amendment conforms to the content of the authorizing statutes:
This administrative regulation amendment conforms with the Board's authorizing statute in KRS 319A.070(1)(a) to promulgate administrative regulations to carry out the provisions of KRS Chapter 319A. This amendment is also in conformity with

KRS 319A.070(3)(a), KRS 319A.100, KRS 319A.160, KRS 319A.170, and KRS 319A.075, 2026 Ky. Acts Ch. 6, Section 2.

(d) How the amendment will assist in the effective administration of the statutes:
This amendment will assist in the effective administration of the statutes by ensuring Kentucky is in compliance with KRS 319A.310 and KRS 319A.075, 2026 Ky. Acts Ch. 6, Section 2.

(3) Does this administrative regulation or amendment implement legislation from the previous five years?Yes. See KRS 319A.310. Counseling Compact. Created 2022 Ky. Acts Ch. 127, sec. 1, effective July 14, 2022, and KRS 319A.075, 2026 Ky. Acts Ch. 6, Section 2.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:
This administrative regulation will affect all new applicants for licensure as well as the 4,310 active licensees who must renew annually and the 88 inactive licensees who may apply for reinstatement.

(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:
An applicant must have a criminal background investigation rereport 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.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):
There will be a cost to obtain a criminal background investigation report, which the Board understands 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 for each applicant.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):
Kentucky will be in compliance with the requirements of KRS 319A.310 and the Occupational Therapy Licensure Compact, thus allowing Kentucky to advance toward its participation in the Compact that will allow Kentucky credential holders to obtain the privilege to practice in Member States.

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

(a) Initially:
There will be no initial cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis:
There will be no continuing cost to the administrative body to implement this administrative regulation.

(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 license holders 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:

No increase in fees or funding will be necessary to implement this change to this administrative regulation.

(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 new fees or increase any fees paid to the Board.

(10) TIERING: Is tiering applied?

(Explain why or why not) Tiering is not applied because this regulation applies to all applicants equally.

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 319A.070(1)(a), KRS 319A.070(1)(c), and KRS 319A.310. Interstate compacts are specifically authorized under the federal constitution (Article 1, Section 10, Clause 3 (the "Compacts Clause")) and take precedence over any conflicting state law pursuant to the Compacts Clause and the Contracts Clause, U.S. Constitution, Article 1, Section 10, Clause 1. and KRS 319A.075, 2026 Ky. Acts Ch. 6, Section 2.

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

Yes, KRS 319A.075, 2026 Ky. Acts Ch. 6, Section 2.

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

The Kentucky Board of Licensure for Occupational Therapy is the promulgating agency. The Kentucky State Police is the only affected state unit, part or division.

(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 are anticipated for the first year for the Board. Expenditures for the Kentucky State Police are unknown, if any.

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

2. Revenues:

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

For subsequent years:No revenues are anticipated in subsequent years for the Board. This administrative regulation will generate revenue for the Kentucky State Police in subsequent years. Based on the average number of applicants paying a projected fee of $40, the revenue is anticipated to be less than $10,00 for subsequent years.

3. Cost Savings:

For the first year:Cost savings for the first year are unknown

For subsequent years:Cost savings for subsequent years are unknown.

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

Local law enforcement is an affected local identity.

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

1. Expenditures:

For the first year:Expenditures for the first year are unknown.

For subsequent years:Expenditures for the subsequent years are unknown.

2. Revenues:

For the first year:Revenues for the first year are unknown.

For subsequent years:Revenues for subsequent years are unknown.

3. Cost Savings:

For the first year:Cost savings for the first year are unknown

For subsequent years:Cost savings for subsequent years are unknown.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):
The Federal Bureau of Investigations is an affected local entity.

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

1. Expenditures:

For the first year:Expenditures for the first year are unknown.

For subsequent years:Expenditures for subsequent years are unknown.

2. Revenues:

For the first year:No revenues are anticipated in the first year for the Board. This administrative regulation will generate revenue for the Federal Bureau of Investigations in the first year. Based on the average number of applicants paying a projected fee of $18, the revenue is anticipated to be less than $10,000 for the first year.

For subsequent years:No revenues are anticipated in subsequent years for the Board. This administrative regulation will generate revenue for the Federal Bureau of Investigations in subsequent years. Based on the average number of applicants paying a projected fee of $18, the revenue is anticipated to be less than $10,000 for subsequent years.

3. Cost Savings:

For the first year:Cost savings for the first year are unknown.

For subsequent years:. Cost savings for subsequent years are 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, is 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.