

STATEMENT OF EMERGENCY
201 KAR 33:015E.

Pursuant to KRS 13A.190(1)(a)2. and KRS 310.095, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 36 which requires the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license or certification issued by the Board to engage in the practice of dietetics or nutrition, and applicants seeking to reinstate a license or certification. 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 310.095 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.

ERIN ELLASSEN, Board Chair

ANDY BESHEAR, Governor, Commonwealth of Kentucky

BOARDS AND COMMISSIONS

Board of Licensure and Certification for Dietitians and Nutritionists (Emergency Amendment)

201 KAR 33:015E. Application; approved programs.

RELATES TO: KRS 310.021, 310.031(1), (2)

STATUTORY AUTHORITY: KRS 310.041(1), (2), (6), 310.095

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.041 requires the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists to promulgate administrative regulations and to review and approve or reject the qualifications of all applicants for licensure and certification. KRS 310.095 requires applicants seeking an initial license to engage in a profession authorized by the board to obtain a national and state criminal background investigation by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes the procedure for submitting an application for licensure, certification, or dual licensure as a nutritionist and as a dietitian; and establishes requirements for programs of study to be approved by the board.

Section 1. Application Requirements.

- (1)
 - (a) For licensure to practice as a dietitian, an "Application for Credential", Form DPL-DN-001, shall be submitted the requirements established in KRS 310.021 are met.
 - (b) For certification to practice as a nutritionist, an "Application for Credential", Form DPL-DN-001, shall be submitted after the requirements established in KRS 310.031 are met.
 - (c) For a dual credential to practice as a dietitian and nutritionist, an "Application for Credential", Form DPL-DN-001, shall be submitted after the requirements established in KRS 310.021 and 310.031 are met.
- (2) Each application shall be accompanied by the nonrefundable application fee, established in 201 KAR 33:010.
- (3) Each application shall be signed by the applicant.
- (4) Each application to practice as a dietitian and each application for a dual credential under KRS 310.021 shall include:
 - (a) A copy of the applicant's current dietitian registration card issued by the Commission on Dietetic Registration; or
 - (b) A letter from the Commission on Dietetic Registration indicating successful completion of the registration examination; or
 - (c) A registered dietitian Credential Verification Statement from the Commission on Dietetic Registration.
- (5) Each application to practice as a dietitian, including an application for a dual credential, shall include the results of 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) submitted directly to the board. The applicant shall pay 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.
- (6) Each application to practice as a nutritionist shall include:
 - (a) A certified copy of the applicant's official baccalaureate transcript and master's transcript demonstrating satisfaction of the criteria provided in KRS 310.031(2)(a); and
 - (b) Meet the requirements of an approved program as provided in Section 2 of this administrative regulation; or

- (c) Meet the criteria established in KRS 310.031.
- (7) If the applicant is or was licensed or certified in another jurisdiction, the applicant shall:
- (a) List each jurisdiction and license or certification number;
 - (b) Provide a complete licensure or certification disciplinary history; and
 - (c) Provide license verification documentation from each respective jurisdiction that has been created by the respective jurisdiction within the sixty (60) days prior to the submission of the application, which is not a license card or other initial license document, and which includes:
 - 1. The applicant's name;
 - 2. License or certification number;
 - 3. License or certification status;
 - 4. License or certification expiration date; and
 - 5. Any disciplinary action or conditions on the license or certification.

Section 2. Approved Programs.

- (1) A baccalaureate degree from a college or university approved by the board pursuant to KRS 310.021(3) or 310.031(2)(a) shall be a degree program that is listed as accredited by the Accreditation Council for Education in Nutrition and Dietetics.
- (2) If an applicant's baccalaureate degree is not listed as accredited by the Accreditation Council for Education in Nutrition and Dietetics, then the applicant shall demonstrate at least forty-five (45) semester hours or sixty-eight (68) quarter hours, as evidenced by a certified copy of an academic transcript, of coursework at the baccalaureate or graduate level in addition to the hours required by KRS 310.031(2)(b). The coursework shall include content specific to each of the following areas:
- (a) Communication;
 - (b) Counseling;
 - (c) Physical and biological sciences;
 - (d) Social sciences;
 - (e) Research;
 - (f) Food composition;
 - (g) Nutrient metabolism;
 - (h) Food systems management;
 - (i) Nutrition therapy;
 - (j) Lifecycle nutrition; and
 - (k) Healthcare systems.
- (3) The twelve (12) semester hours of graduate credit required by KRS 310.031(2)(b) shall include only didactic hours of graduate credit specifically related to human nutrition. Examples include:
- (a) Food sources of nutrients;
 - (b) Physiological and chemical processes of digestion, absorption, and metabolism;
 - (c) Nutrient needs throughout the life cycle;
 - (d) Nutrition assessment processes;
 - (e) Pathophysiology of disease states;
 - (f) Nutrition therapy;
 - (g) Nutrient needs in exercise and fitness; and
 - (h) Nutrition in health and wellness.
- (4) The twelve (12) semester hours of graduate credit required by KRS 310.031(2)(b) shall not include practicums, courses that are primarily obtained from work experiences, independent study, thesis, or dissertation credit hours.

Section 3. Incorporation by Reference.

(1) "Application for Credential", Form DPL-DN-01, 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 Licensure and Certification for Dietitians and Nutritionists, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at <https://bdn.ky.gov/>.

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ERIN ELIASSEN, Chair

APPROVED BY AGENCY: July 15, 2026

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

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2026, at 1:00 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