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 ELIASSEN, 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 after the requirements established in KRS 310.021 are met. ~~[An Application for Licensure, Certification, or Dual Licensure shall be submitted for licensure to practice dietetics after the requirements established in KRS 310.021 are met.]~~

(b) ~~[(2)]~~ For certification to practice as a nutritionist, an "Application for Credential", Form DPL-DN-001, ~~[An Application for Licensure, Certification, or Dual Licensure]~~ shall be submitted~~[for certification to practice nutrition]~~ after the requirements established in KRS 310.031 are met.

(c) ~~[(3)]~~ For a dual credential to practice as a dietitian and nutritionist, an "Application for Credential", Form DPL-DN-001, ~~[An Application for Licensure, Certification, or Dual Licensure]~~ shall be submitted~~[for dual licensure to practice dietetics and nutrition]~~ after the requirements established in KRS 310.021 and 310.031 are met.

(2) ~~[(4)]~~ Each application~~[Application for Licensure, Certification, or Dual Licensure]~~ shall be accompanied by the nonrefundable application fee, established in 201 KAR 33:010.

(3) ~~[(5)]~~ Each application shall be signed by the applicant.

(4) ~~[(6)]~~

~~[(a)]~~ Each application to practice as a dietitian~~[dietetics]~~ and each application for a dual credential under KRS 310.021~~[licensure]~~ shall include:

(a) ~~[1.]~~ A copy of the applicant's current dietitian registration card issued by the Commission on Dietetic Registration; or

(b) ~~[2.]~~ A letter from the Commission on Dietetic Registration indicating successful completion of the registration examination; or

(c) ~~[3.]~~ A registered dietitian Credential Verification Statement from the Commission on Dietetic Registration.

~~[(b)]~~ ~~[An Academy of Nutrition and Dietetics membership card shall not constitute compliance with paragraph (a)1. of this subsection.]~~

(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) ~~[(7)]~~ Each application to practice as a nutritionist~~[nutrition and each application for dual licensure]~~ shall include:

(a) 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~~[or]~~

(b) Meet the requirements of an approved program as provided in Section 2 of this administrative regulation; or

(c) Meet ~~[meet]~~ the criteria established in KRS 310.031~~[KRS 310.031(3)]~~.

(7) ~~[(8)]~~ If the applicant is or was licensed or certified~~[registered]~~ in another jurisdiction, the applicant shall:

(a) List each jurisdiction and license or certification~~[registration]~~ 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~~[is]~~:

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.

~~[1.] [Created by each respective jurisdiction within the sixty (60) days prior to the submission of the application; and]~~

~~[2.] [Is not a license card, scroll, initial certificate, diploma, or other initial license document.]~~

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 ~~[Medical 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 ~~["Application for Licensure, Certification, or Dual Licensure", January 2022]~~, 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, ~~[2SC32,]~~ 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/.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency.

201 KAR 33:015E
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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

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

Subject Headings:Dietitians and Nutritionists, Boards and Commissions, Licensing, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does:

KRS 310.041 requires the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists (the "board") to promulgate administrative regulations and to review and approve or reject the qualifications of all applicants for licensure and certification. This administrative regulation establishes the procedure for submitting an application for licensure or certification; and establishes requirements for institutions to be approved by the board.

(b) The necessity of this administrative regulation:

This administrative regulation is required by KRS 310.041(1), (2), and (6).

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

KRS 310.041(1) requires the Kentucky Board of Licensure for Dietitians and Nutritionists to promulgate administrative regulations to regulate the issuance of licenses and certificates under KRS 310.021 and KRS 310.031. This administrative regulation establishes the procedure for submitting an application for licensure or certification; and establishes requirements for programs of study to be approved by the board.

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

This regulation assists in the effective administration of KRS Chapter 310 by carrying out the legislative mandate for the board to establish regulations for the issuance of licenses and certifications to practice dietetics and nutrition.

(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 re-organizes and clarifies the existing administrative regulation to eliminate repetitious language and streamline requirements for licensure or certification; adds the requirement of a criminal background investigation by the KSP and FBI pursuant to KRS 310.095; adds the requirement of a baccalaureate transcript for an application as a nutritionist, as required by KRS 310.031(2)(a); and changes one (1) graduate credit requirement to update for more current curriculum requirements.

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

The amendment is necessary to update the application requirements and material incorporated by reference to include the KSP and FBI criminal background investigation which becomes necessary for licensure or certification on July 15, 2026, due to the enactment of KRS 310.095.

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

KRS 310.041(1) requires the Kentucky Board of Licensure for Dietitians and Nutritionists to promulgate administrative regulations to regulate the issuance of licenses and certificates under KRS 310.021 and KRS 310.031.

(d) How the amendment will assist in the effective administration of the statutes:
This regulation assists in the effective administration of KRS Chapter 310 by carrying out the legislative mandate for the board to establish regulations for the issuance of licenses and certifications to practice dietetics and nutrition.

(3) Does this administrative regulation or amendment implement legislation from the previous five years?Yes. KRS 310.095, Created 2026 Ky. Acts Ch. 33, sec. 3, effective July 15, 2026.

(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 2436 active and 76 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:
Applicants for licensure or certification will have to provide a criminal background investigation performed by the KSP and FBI within the last sixty (60) days of the application. The applicant must pay any required fee and have the investigation sent directly to the board.

(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 for the application for a credential, however, that cost has not increased. However, there will be a cost to obtain a criminal background check, which 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):
Kentucky will be in compliance with the requirements of KRS 310.095 and the Dietitian Licensure Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of professional counseling with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety.

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

(a) Initially:
No costs are anticipated by the administrative body to implement these changes.

(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 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 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 fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied?

Tiering was not applied as the changes apply to all 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 Chapter 310.041(5), 310.050, and 310.095.

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

Yes. Amended 2008 Ky. Acts Ch. 51, sec. 1, effective July 15, 2008. -- Amended 1996 Ky. Acts Ch. 318, sec. 250, effective July 15, 1996. -- Created 1994 Ky. Acts Ch. 319, sec. 5, effective July 15, 1994, and Amended 2022 Ky. Acts Ch. 79, sec. 1, effective July 14, 2022. -- Amended 2008 Ky. Acts Ch. 51, sec. 2, effective July 15, 2008. -- Amended 1994 Ky. Acts Ch. 319, sec. 8, effective July 15, 1994. -- Created 1988 Ky. Acts Ch. 246, sec. 5, effective July 15, 1988, and 2026 Ky. Acts Ch. 33, Section 3, effective July 15, 2026.

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

The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists and the Department of Kentucky State Police.

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

1. Expenditures:

For the first year:There are no expenditures anticipated in the first year.

For subsequent years:There are no expenditures anticipated in subsequent years.

2. Revenues:

For the first year:This administrative regulation will generate revenue for the Kentucky State Police in the first year and based on the average number of anticipated applicants and the projected fee of $20, revenue would be less than $10,000.

For subsequent years:This administrative regulation will generate revenue for the Kentucky State Police in subsequent years and based on the average number of anticipated applicants and the projected fee of $20, revenue would be less than $10,000.

3. Cost Savings:

For the first year:No cost savings are anticipated in the first year.

For subsequent years:No cost savings are anticipated in subsequent years.

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

It is possible it will affect local police departments.

(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:For the first year: This administrative regulation may generate revenue for local police departments in the first year. We are unable to estimate the anticipated revenue in the first year.

For subsequent years:For the first year: This administrative regulation may generate revenue for local police departments in subsequent years. We are unable to estimate the anticipated revenue in subsequent years.

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 and based on the average number of anticipated applicants and the projected fee of $18, revenue would be less than $10,000.

For subsequent years:This administrative regulation may generate revenue for the Federal Bureau of Investigation in subsequent years and based on the average number of anticipated applicants and the projected fee of $18, revenue would be less than $10,000.

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 those fees, 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.