

STATEMENT OF EMERGENCY
201 KAR 33:020E.

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

BOARDS AND COMMISSIONS

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

201 KAR 33:020E. Renewals, late renewal, revocation, inactive status, and reinstatement.

RELATES TO: KRS 310.041

STATUTORY AUTHORITY: KRS 310.041, 310.050, 310.095

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.050(1) requires the board to promulgate administrative regulations establishing procedures for annual renewal of licenses and certificates. 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 means of a fingerprint check by the Kentucky State Police and the Federal Bureau of Investigation. This administrative regulation establishes procedures for annual renewal, late renewal, revocation, inactive status and reinstatement of licenses and certificates.

Section 1. Renewal.

- (1) A credential shall be renewed on or before October 31 of each year.
- (2) An initial credential issued within ninety (90) days of October 31 shall be renewed on or before October 31 of the following year.
- (3) To apply for renewal, a credential holder shall:
 - (a) Submit a completed Renewal Application, DPL-DN-02; and
 - (b) Pay to the board the renewal fee established by 201 KAR 33:010, Section 2, for the renewal of the license or certificate.
 - (c) Document compliance with continuing education requirements established by 201 KAR 33:030.

Section 2. Grace Period and Late Renewal.

- (1) A sixty (60) day grace period shall be allowed beginning November 1, during which a licensee or certificate holder may renew his or her license or certificate upon payment of the renewal fee plus the late renewal fee established by 201 KAR 33:010, Section 2. A licensee or certificate holder may continue to practice during the sixty (60) day grace period.
- (2) A person requesting renewal during the sixty (60) day grace period shall comply with the continuing education requirements as required by KRS 310.050(3) and as specified by 201 KAR 33:030.

Section 3. Automatic Revocation. Failure to renew during the grace period shall result in automatic revocation of the license or certification as set forth by KRS 310.050(4), and a licensee or certificate holder shall no longer be eligible to practice in the Commonwealth.

Section 4. Renewal of Inactive Status. A credential holder who has elected to hold the credential in an inactive status shall annually renew the inactive status during the renewal period and pay the fee set forth in 201 KAR 33:010. Section 3(1).

Section 5. Reinstatement. After the sixty (60) day grace period, a license or certificate that was automatically revoked due to failure to renew shall be reinstated if the licensee or certificate holder has:

- (1) Submitted a complete Reinstatement Application, DPL-DN-03;
- (2) Paid the renewal fee plus a reinstatement fee as set forth by 201 KAR 33:010; and
- (3) Documented that he or she has complied with the continuing education requirements established by 201 KAR 33:030.

(4) For an application for reinstatement to practice as a dietitian or a dual credential, 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 Investigation (FBI) shall be 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.

(5) Any person who fails to apply for reinstatement within three (3) years of termination or revocation of the credential shall apply for a new license or certification and shall meet the current licensure or certification requirements..

Section 6. Address and Contact Information Changes. A credential holder shall submit any change in the credential holder's name, address, phone number or email address to the board within thirty (30) days of any such change.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Renewal Application", DPL-DN-02, July 2026,; and

(b) "Reinstatement Application", DPL-DN-03, July 2026,.

(2)

(a) 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, 2 SC 32, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. or

(b) This material may also be obtained at the Board of Licensure and Certification for Dietitians and Nutritionists at <https://bdn.ky.gov>.

201 KAR 33:020E

ERIN ELIASSEN, 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 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