BOARDS AND COMMISSIONS

Board of Podiatry

(Amendment)

201 KAR 25:051. Complaint management; ~~[Procedure for complaints and hearings involving licensees:]~~ temporary suspension.

RELATES TO: KRS 218A.205, 311.490

STATUTORY AUTHORITY: KRS 218A.205(3), 311.410(4)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.410 authorizes the board to promulgate administrative regulations that are necessary to implement the provisions of KRS 311.390 to 311.510. KRS 218A.205(3)(d)~~[218A.205(3)(c)]~~ requires the board to establish a procedure for temporarily suspending, limiting, or restricting a license. KRS 218A.205(3)(e)~~[218A.205(3)(d)]~~ requires the board to establish a procedure for the expedited review of complaints pertaining to improper prescribing or dispensing of controlled substances. This administrative regulation establishes procedures relating to complaint management and temporary suspension~~[the administrative adjudication procedure for all proceedings before the board]~~.

Section 1. Definitions.

(1) "Board" means the Kentucky State Board of Podiatry.

(2) ~~["Complaint review committee" means a committee of the board members appointed by the board that:]~~

~~[(a)] [Reviews an initiating complaint;]~~

~~[(b)] [Determines whether an investigation should be conducted; and]~~

~~[(c)] [Directs and reviews an investigation of the respondent.]~~

~~[(3)] ["Contested case" means an adjudicatory proceeding before the board in which the legal rights, duties, or privileges of any person are required by law to be determined after an opportunity for a hearing, without regard to whether the proceeding is instituted by the board or by some other person.]~~

~~[(4)] ["Order" means the whole or any part of a final disposition of an adjudication.]~~

~~[(5)] ["Party" means any person or agency named or admitted as a party to any proceedings of the board and shall include only persons who have a real interest in a matter before the board.]~~

~~[(6)] ["Person" means any individual, partnership, corporation, association, or public or private organization of any character other than an agency.]~~

~~[(7)]~~ "Respondent" means the licensee against whom a complaint has been filed.

Section 2. Receipt of ~~[Form of]~~ Complaints.

(1) A complaint:

(a) May be submitted by an:

1. Individual;
2. Organization; or
3. Entity;

(b) Shall be:

1. In writing and provided on the "Complaint Form with Information Sheet and Authorization for Release of Medical and Patient Records", DPL-BOP-03; and
2. Signed by the person submitting the complaint; and

(c) May be filed by the board on its own initiative either on the basis of information in its possession if the board has reasonable cause to believe there may be a violation by a licensee.

(2)

(a) Upon receipt of the complaint, a copy of the ~~[The]~~ complaint shall be sent to the individual named in the complaint at the last known address ~~[of the licensee that]~~ the board has on file along with a request for that individual's response to the complaint and a request for a copy of all relevant podiatric medical records.

(b) ~~[(2)]~~ The individual~~[licensee]~~ shall be allowed a period of~~[file a response within]~~ twenty (20) days from the date of receipt to submit a written response to the complaint and ~~[the board's letter and include with the response]~~ a copy of the relevant podiatric medical records requested by the board.

Section 3. Initial Review.

(1) After the receipt of a complaint and the expiration of the period for the individual's written response with the relevant podiatric medical records, the board shall review the complaint and the individual's response, if any, the relevant podiatric medical records, and any other material available, and make a determination whether there is enough evidence to warrant a formal investigation of the complaint

(2) If the board determines before formal investigation that a complaint is without merit, it shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a complaint warrants a formal investigation, it shall:

(a) Authorize an investigation into the matter in accordance with Section 3 of this administrative regulation; and

(b) Order a report to be made to the board at the earliest opportunity.

(4) In making its determination, the board shall consider whether the charges if proven would warrant sanction by the board.

(5) If the board determines there has been a prima facie violation based upon its review of the relevant podiatric medical records and other relevant material available, the board may refer the matter for a formal administrative hearing without investigation, and a formal administrative complaint shall be prepared which states clearly the charge or charges to be considered at the hearing. The formal administrative complaint shall be reviewed by the board and, if approved, signed by the chair and served upon the individual in accordance with KRS Chapter 13B.

(6) ~~[(5)]~~ If the complaint involves the improper, inappropriate, or illegal prescribing of controlled substances, the board shall proceed under Section 4(5)~~[Section 4(2)]~~ of this administrative regulation.

~~[(6)] [The board may at any time proceed against a licensee on its own initiative either on the basis of information contained in its own records or on the basis of information obtained through its own investigation.]~~

~~[(7)] [The filing of formal charges shall require the affirmative vote of a majority of the board.]~~

~~[(8)]~~

~~[(a)] [If the board finds that allegations against a licensee are insufficient for initiation of a formal disciplinary procedure, it shall dismiss the matter and notify all interested parties.]~~

~~[(b)] [If the board determines that disciplinary proceedings are appropriate, the board shall set the matter for hearing and shall notify the licensee of the charges against him and the time and place of the hearing in accordance with KRS Chapter 13B.]~~

~~[(c)]~~

~~[1.] [The board is also entitled to resolve the matter informally through mediation or negotiation.]~~

~~[2.] [Any agreed order reached through mediation or negotiation shall be approved by the board and signed by the individual who is the subject of the complaint, the~~

~~individual's attorney, and the chair of the board.]~~

Section 4. Results of Formal Investigation; Board Decision on Hearing.

(1) Upon completion of the investigation, if any, the investigator shall submit a report to the board of the facts regarding the complaint. The board shall review the investigative report and determine whether there has been a prima facie violation of KRS 311.380 to 311.520 or the administrative regulations promulgated thereunder and whether a formal administrative complaint shall be filed.

(2) If the board determines that a complaint does not warrant issuance of a formal administrative complaint, it shall:

1. Dismiss the complaint; and
2. Notify the complainant and respondent of the board's decision.

(3) If the board determines that a complaint warrants the issuance of a formal administrative complaint against a respondent, a formal administrative complaint shall be prepared which states clearly the charge or charges to be considered at the hearing. The formal administrative complaint shall be reviewed by the board and, if approved, signed by the chair and served upon the individual as required by KRS Chapter 13B.

(4) If the board determines that a person may be in violation of KRS 311.380 to 311.510, it shall make a referral to the county attorney, Commonwealth attorney, and the Attorney General, within their respective jurisdictions, and request that appropriate action be taken under KRS 311.495.

(5) ~~[Section 3. Investigations. (1) Upon the receipt of a complaint and following the expiration of the twenty (20) days provided for in Section 2(3) of this administrative regulation, the board or its appointed committee may cause an investigation to be made by an individual board member, by any investigation committee, or by any agent or representative appointed by the board. The board may also cause an investigation to be made on its own initiative at any time without a complaint.(2)]~~If a complaint involves the improper, inappropriate, or illegal prescribing of controlled substances, the board shall:

(a) Inform the Department of Kentucky State Police, the Office of the Attorney General, and the Cabinet of Health and Family services with three (3) days of the receipt of the complaint;

(b) Commence an investigation within seven (7) days of the filing of the complaint; and

(c) Complete the investigation and determine whether to proceed with adjudicatory proceedings against the respondent within 120 days of receipt of the complaint, unless an extension for a definite period of time is requested by a law enforcement agency due to an ongoing criminal investigation.

~~[Section 4.] [Commencement of Adjudicatory Proceedings.]~~

~~[(1)] [Upon completion of the investigation referred to in Section 4 of this administrative regulation or after the expiration of the twenty (20) day period referred to in Section 2(3) of this administrative regulation where an investigation is not made or whenever the board has completed an investigation made on its own initiative, the board may begin formal adjudicatory proceedings in accordance with KRS Chapter 13B.]~~

~~[(2)] [In any case in which the board has denied an application for a license or failed to renew a license, a hearing shall only be scheduled upon receipt by the board of a written request submitted by or on behalf of the person whose application for license was denied or not renewed.]~~

Section 5. Temporary Suspension.

(1) The board chair or the board as a whole may issue an emergency order for the immediate temporary suspension of a license ~~[or certificate]~~ against which disciplinary

action or an investigation is pending if it determines that there is a substantial likelihood that the licensee's practice constitutes a danger to patients or the public.

(2) The emergency order shall be made in accordance with KRS 13B.125 and shall be based upon a finding by the board that the emergency order is in the public interest and there is substantial evidence of immediate danger to the health, welfare, and safety of any patient or the general public.

(3) A licensee may appeal the emergency order by a written request to the board for an emergency hearing in accordance with KRS 13B.125 within thirty (30) days after receipt of the order.

Section 6. Settlement by Informal Proceedings.

(1) The board may, at any time during this process, enter into informal proceedings with the licensee who is the subject of the complaint for the purpose of appropriately dispensing with the matter.

(2) An agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the president.

(3) The board may employ mediation or negotiation as a method of resolving the matter informally.

Section 7. Board Ordered Examination. If the board determines that there is reasonable cause to believe that a license holder or applicant for a license is physically or mentally incapable of practicing podiatry with reasonable skill and safety to patients, the board may order the license holder or applicant to submit to an examination by a mental health professional or a physician designated by the board to determine the license holder's or applicant's mental health or physical status to practice podiatry.

Section 8. Notice and Service of Process. A notice required by KRS 311.390 to 311.500 or this administrative regulation shall be served in accordance with KRS Chapter 13B.

Section 9. Notification.

(1) The board shall immediately submit all disciplinary and other reportable information to the National Practitioner Data Bank of the United States Department of Health and Human Services or any successor entity; and

(2) The board shall make public:

(a) Its final order in a disciplinary action under KRS 311.490; and

(b) An action to restrain or enjoin a violation of KRS 311.400.

Section 10. Authorization for Release of Medical and Patient Records. If the complaint relates to services provided by a licensee, the board or its authorized representative may contact the complainant or patient for an "Authorization for Release of Medical and Patient Records", DPL-BOP-04. This involves health oversight activities and administrative proceedings of the board and disclosure is permitted by 45 C.F.R. Section 164.512, the federal regulations implementing the Health Insurance Portability Accountability Act (HIPAA).

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Complaint Form with Information Sheet and Authorization for Release of Medical and Patient Records", DPL-BOP-03, March 2026; and

(b) "Authorization for Release of Medical and Patient Records", DPL-BOP-04, March 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Podiatry, 500 Mero Street, Frankfort, Kentucky 40601, from 8:00 a.m. to 4:30 p.m., Monday through Friday. This material is also available on the board's Web site at bop.ky.gov. ~~[The board shall immediately submit all disciplinary and other~~

~~reportable information to the National Practitioner Data Bank of the United States Department of Health and Human Services or any successor entity.]~~

DR. PAUL KRESTIK, President

APPROVED BY AGENCY: September 10, 2026
FILED WITH LRC: September 11, 2026 at 11:25 a.m.
PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026, at 9AM, at the Mayo-Underwood Building, Room 206NW, 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 November 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: Sara Boswell Janes, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services Address: 500 Mero Street, 2 NC WK#2 Phone Number: (502) 782-2709 (office) Fax: (502) 564-4818 Email: Sara.Janes@ky.gov Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Sara Janes Phone: 502-782-2709 Email: sara.janes@ky.gov

Subject Headings:Podiatry and Pedorthics, Licensing, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does:
This administrative regulation establishes the procedures for processing complaints and disciplinary actions by the board.

(b) The necessity of this administrative regulation:
KRS 311.410 authorizes the board to promulgate regulations to implement the provisions of KRS Chapter 311.390 to 510. KRS 218A.205 requires the board to establish a procedure for temporary suspension of a license. This administrative regulation establishes the procedures for complaints and temporary suspensions.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
KRS 311.490 authorizes the board to take disciplinary action against a licensee after a hearing. KRS 218A.205, as enacted by General Assembly in 2012 (1st Extra. Sess.) Ky. Acts ch. 1, requires the board to temporarily suspend a licensee when the health or welfare of the public is endangered. This administrative regulation sets forth the procedures for the complaint and temporary suspension processes

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
This administrative regulation sets forth the procedures for disciplinary action and temporary suspension by the board.

(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 will enhance the regulation by removing certain definitions and clarify procedures for filing licensee complaints in areas such as submission, licensee responses, complaint investigation, and informal settlements of complaints.

(b) The necessity of the amendment to this administrative regulation:
The amendments are necessary to assist licensees in the complaint review process. The updates ensure the process is informed and fair to all parties.

(c) How the amendment conforms to the content of the authorizing statutes:
KRS 311.410(4) authorizes the board to make all rules and regulations as may be necessary to implement and carry out its duties.

(d) How the amendment will assist in the effective administration of the statutes:
This regulation assists in the effective administration of KRS Chapter 311 by carrying out the legislative mandate for the board to establish requirements for disciplinary actions and temporary suspensions pursuant to KRS Chapter 218A.

(3) Does this administrative regulation or amendment implement legislation from the previous five years?No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This regulation will affect 257 licensed podiatrists, both active and inactive, in the Commonwealth of Kentucky, and an unknown number of potential 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:

Licensees will follow the procedures in the administrative regulation when a complaint is received

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

There is no cost associated with the amendment unless the licensee elects to hire an attorney.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

As a result of compliance with the amendment, licensees will understand the process for any filed complaints and the health and welfare of the public will be protected from improper prescribing and dispensing of controlled substances.

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

(a) Initially:

This administrative regulation does not create a cost for the administrative body.

(b) On a continuing basis:

This administrative regulation does not create a cost for the administrative body.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:

The Kentucky Board of Podiatry is self-funded through the fees paid by licensees. No additional funding is necessary for the implementation and enforcement of this administrative regulation.

(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 increases in fees or funding is necessary to implement the amendment to this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This amendment does not directly or indirectly increase any fees.

(10) TIERING: Is tiering applied?

Tiering is not applied because similarly situated licensees are treated similarly under this administrative regulation

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 311.

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

Yes, KRS 311.410. Amended 1986 Ky. Acts ch. 166, sec. 1, effective July 15, 1986. -- Amended 1976 Ky. Acts ch. 206, sec. 3. -- Amended 1974 Ky. Acts ch. 225, sec. 10. -- Amended 1962 Ky. Acts ch. 289, sec. 3. -- Amended 1954 Ky. Acts ch. 219, sec. 2. - - Amended 1952 Ky. Acts ch. 197, sec. 2. -- Created 1948 Ky. Acts ch. 176, sec. 4.; and, KRS 311.480. Amended 2017 Ky. Acts ch. 158, sec. 48, effective June 29, 2017. -- Amended 1986 Ky. Acts ch. 166, sec. 2, effective July 15, 1986. -- Amended 1974 Ky. Acts ch. 225, sec. 15. -- Amended 1962 Ky. Acts ch. 289, sec. 10. -- Created 1948 Ky. Acts ch. 176, sec. 11.

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

The Kentucky Board of Podiatry.

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

1. Expenditures:

For the first year:Neutral

For subsequent years:Neutral

2. Revenues:

For the first year:Neutral

For subsequent years:Neutral

3. Cost Savings:

For the first year:None.

For subsequent years:None.

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

None.

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

1. Expenditures:

For the first year:None

For subsequent years:None

2. Revenues:

For the first year:None

For subsequent years:None

3. Cost Savings:

For the first year:None

For subsequent years:None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):
None

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

1. Expenditures:

For the first year:None

For subsequent years:None

2. Revenues:

For the first year:None

For subsequent years:None

3. Cost Savings:

For the first year:None

For subsequent years:None

(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:
There is no anticipated fiscal impact to this administrative regulation.

(b) Methodology and resources used to reach this conclusion:
Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

(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):
This administrative regulation will not 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 was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.