

BOARDS AND COMMISSIONS

Board of Respiratory Care (Amendment)

201 KAR 29:015. Fees.

RELATES TO: KRS 314A.110, 314A.112, 314A.215, 314A.220, and KRS Chapter 335B

STATUTORY AUTHORITY: KRS 314A.205, 314A.220, 335B.032

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8, now codified at KRS 13A.105(2), because the amendments to this administrative regulation will not have a major economic impact.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314A.205(3) requires the board to promulgate administrative regulations to carry out the provisions of KRS Chapter 314A. KRS 314A.205(6) and 314A.220(2) require the board to establish appropriate and reasonable fees for mandatory certification and to periodically review and modify those fees. This administrative regulation establishes all fees charged by the board.

Section 1. Application and Certification Fees Schedule.

- (1) The application and certification fee for mandatory certification shall be \$150.
- (2) The application and certification fee for temporary mandatory certification shall be \$102.
- (3) The application and certification fee for limited mandatory certification shall be sixty (60) dollars.

Section 2. Renewal Fees.

- (1) A person holding a mandatory certificate wishing to renew the mandatory certificate shall submit:
 - (a) A completed Application for Renewal; and
 - (b) The appropriate renewal fee:
 1. For active mandatory certification, \$135.
 2. For inactive mandatory certification, fifty (50) dollars.
- (2) All mandatory certificates not renewed by January 30 shall be deemed expired. For certificates that expire if not renewed on or before January 30 of even numbered years, the renewal period shall begin on November 1 of each odd numbered calendar year and shall end on January 30 of the next year. For certificates that expire if not renewed on or before January 30 of odd numbered years, the renewal period shall begin on November 1 of each even numbered calendar year and shall end on January 30 of the next year.
- (3) Temporary mandatory certificates and limited mandatory certificates shall be ineligible for renewal.
- (4) For any active duty military personnel, or the spouse of any active duty military personnel, the board waives the application fee for an initial mandatory certificate to practice respiratory care in the Commonwealth of Kentucky so long as said~~the~~ application is made pursuant to KRS 314A.110(4), and the applicant is duly authorized to practice in another state, is in good standing in that state, and holds an RRT or CRT credential issued by the National Board for Respiratory Care, or its equivalent.

Section 3. Reactivation and Reinstatement.

- (1) A certificate holder wishing to reactivate an inactive certificate shall submit:
 - (a) A completed Application for Reactivation; and
 - (b) The \$135 reactivation fee.
- (2) A certificate holder wishing to reinstate an expired certificate shall submit:
 - (a) A completed Application for Reinstatement; and

(b) The \$200 reinstatement fee.

Section 4. An individual seeing a predetermination regarding criminal history pursuant to KRS Chapter 335B and 201 KAR 29:025 shall submit:

- (1) A completed Application for Predetermination; and
- (2) The \$25 predetermination fee.

Section 5. ~~[Section 4.]~~ All fees shall be nonrefundable.

Section 6. ~~[Section 5.]~~ Fees set forth in this administrative regulation shall not be prorated based upon the date of receipt or processing of the application; however, if approval of an application for reactivation or reinstatement occurs during a certificate holder's renewal period, the reactivation or reinstatement shall satisfy renewal requirements for that renewal period.

Section 7. ~~[Section 6.]~~ Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Application for Reactivation", 4/17/2025;
- (b) "Application for Reinstatement", 4/17/2025;~~[and]~~
- (c) "Application for Renewal", 4/17/2025;~~[and]~~
- (d) "Application for Predetermination, 8/20/2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Respiratory Care, 1714 Perryville Road, Suite 200, Danville, Kentucky 40422, Monday through Friday, 8:00 a.m. to 4:30 p.m. EST. This material is also available at <https://kbrc.ky.gov/Pages/Applications-and-Forms.aspx#apps>.

MARLENE MCKINLEY, RRT, Board Chair

APPROVED BY AGENCY: August 20, 2026

FILED WITH LRC: October 9, 2026 at 1:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 30, 2026 at 10:00 AM at the Kentucky Board of Respiratory Care, 1712 Perryville Rd, Suite 200, Danville, Kentucky 40422. Individuals interested in being heard at this hearing shall notify this agency in writing by December 21, 2026, 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 December 31, 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.

CONTACT PERSON: Morgan G. Ransdell, Board Attorney , Kentucky Board of Respiratory Care 1712 Perryville Rd, Suite 200 , Danville, Kentucky 40422 Phone: (502) 665-9600 Email: Morgan.Ransdell@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Morgan G. Ransdell **Phone:** (502) 665-9600 **Email:** Morgan.Ransdell@ky.gov

Subject Headings: Boards and Commissions, Respiratory Care, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes all fees charged by the board.

(b) The necessity of this administrative regulation:

KRS 314A.205(3) requires the board to promulgate administrative regulations to carry out the provisions of KRS Chapter 314A. KRS 314A.205(6) and 314A.220(2) require the board to establish appropriate and reasonable fees for mandatory certification and to periodically review and modify those fees.

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

By establishing all fees charged by the board.

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

By establishing all fees charged 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 implements a fee of twenty-five (25) dollars for an Application for Predetermination.

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

KRS 335B.032 mandates the adoption of a predetermination application process, and an application fee of \$25 is needed to defray the cost of implementation and ongoing administration of the predetermination process.

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

The amendment conforms to the content of the authorizing statutes by adopting a predetermination application process, and an application fee of \$25 to defray the cost of implementation and ongoing administration of the predetermination process.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment assists in the effective administration of the authorizing statutes by adopting a predetermination application process, and an application fee of \$25 to defray the cost of implementation and ongoing administration of the predetermination process.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this regulation implements KRS 335B.020-034.

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

The regulation affects all individuals with criminal convictions who may wish to apply for a respiratory care license in Kentucky at any time in the future; however, the precise number of such persons is incalculable.

(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:

No action is necessary as a consequence of this new regulation; however, the individuals identified in the response to question (4) will have the voluntary option of submitting an application for predetermination of licensure eligibility upon payment of a twenty-five (25) dollar fee.

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

An application fee of \$25 must be paid in conjunction with an application for a predetermination.

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

Recipients of a predetermination application will have the benefit of knowing whether a criminal conviction would constitute an absolute bar to future licensure before they undertake to obtain training and education in the field of respiratory care.

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

(a) Initially:

The monetary costs associated with the implementation of the amendment arise from staff time, hearing officer charges pursuant to KRS 13B.030(2), and the cost of stenographic services regard the preparation of a hearing transcript; however, the precise amount of such costs is incalculable.

(b) On a continuing basis:

The monetary costs associated with the implementation of the amendment arise from staff time, hearing officer charges pursuant to KRS 13B.030(2), and the cost of stenographic services regard the preparation of a hearing transcript; however, the precise amount of such costs is incalculable.

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

Agency funds, defrayed in part from the implementation of a \$25 fee that must be paid in conjunction with an application for a predetermination.

(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:

As this regulation implements a new statutory predetermination process, an application fee of \$25 is needed to defray the cost of implementation and ongoing administration of the predetermination process.

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

The promulgation of this regulation imposes an application fee of \$25.

(10) TIERING: Is tiering applied?

Tiering is not applied and is not needed given the context and substance of the 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 13B, Chapter 335B, 314A.225(1)(a) and (h), 314A.205.

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

. This administrative regulation implements 2026 RS HB 185, which is now codified at KRS 335B.020-034.

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

The Kentucky Board of Respiratory Care.

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

1. Expenditures:

For the first year:less than \$500.

For subsequent years:less than \$500.

2. Revenues:

For the first year:less than \$500.

For subsequent years:less than \$500 annually.

3. Cost Savings:

For the first year:The amendment will not impact cost savings.

For subsequent years:The amendment will not impact cost savings.

(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:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

Prospective licensure applicants.

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

1. Expenditures:

For the first year:An application fee of \$25 must be paid.

For subsequent years:An application fee of \$25 must be paid.

2. Revenues:

For the first year:The application fee will nominally increase revenues.

For subsequent years:The application fee will nominally increase revenues.

3. Cost Savings:

For the first year:No cost savings for regulated entities.

For subsequent years:No cost savings for regulated entities.

(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 board anticipates fewer than 20 predetermination applications annually, with an anticipated maximum collective annual impact of less than \$500, and a fiscal impact per application of only \$25.

(b) Methodology and resources used to reach this conclusion:

The foregoing estimate is based upon relative infrequency with which the board receives applications for licensure from persons with criminal convictions that are relevant to the practice of respiratory care.

(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 a major economic impact as it relates to the entities identified in (3)(a), (4)(a), and (5)(a).

(b) The methodology and resources used to reach this conclusion:

None.