

BOARDS AND COMMISSIONS

Board of Respiratory Care (New Administrative Regulation)

201 KAR 29:025. Predetermination of License Eligibility.

RELATES TO: KRS Chapter 13B, Chapter 335B, 314A.225(1)(a) and (h)

STATUTORY AUTHORITY: KRS Chapter 335B, 314A.205

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 335B.032 requires the Board of Respiratory Care to implement a process by which an individual who has been convicted of a crime can obtain a determination regarding whether the conviction will disqualify the individual from professional licensure. KRS 314A.225(1)(a) and (h) provide that the board shall have the power to deny any license to practice respiratory care issued by the board or applied for in accordance with KRS Chapter 314A, upon proof that the person has committed a crime, in accordance with KRS Chapter 335B, and pursuant to an administrative hearing conducted in accordance with KRS Chapter 13B. This administrative regulation establishes procedures for the predetermination of licensure eligibility for prospective applicants with a criminal conviction.

Section 1. Application.

- (1) To be considered for predetermination, an applicant shall submit:
 - (a) A completed and signed predetermination application; and
 - (b) A non-refundable application fee in accordance with 201 KAR 29:015.
- (2) The applicant may submit with the application evidence in accordance with KRS Chapter 335B.

Section 2. Notice of predetermination and right to an administrative hearing.

- (1) A notice of predetermination shall be issued via email and USPS regular mail to the last known mailing and email addresses of the applicant within sixty (60) days of the filing of the completed application for predetermination.
- (2) The applicant may challenge a determination of ineligibility by requesting an administrative hearing pursuant to KRS 335B.030(1)(a)(2), within fifteen (15) working days of the issuance of the notice of predetermination. The notice shall further state:
 - (a) The applicant may challenge the determination of ineligibility by requesting an administrative hearing pursuant to KRS 335B.030(1)(a)(2);
 - (b) If a hearing is not requested in accordance with KRS 31B.050(1)(a)(2), the determination shall remain in effect for a period of one (1) year. The applicant may not reapply during that period.
 - (c) A request for hearing shall be sent by email to the person identified in the notice of predetermination.
 - (d) If the written request for hearing is timely submitted, the board shall issue a notice of hearing in accordance with KRS 13B.050(1);
 - (e) Any new or previously submitted evidence relied upon by the applicant shall be submitted upon reapplication; and
 - (f) If the final order of the board is adverse to an applicant, the board may impose hearing costs upon the applicant pursuant to 201 KAR 29:030 §4(6).

Section 3. Incorporation by Reference.

- (1) "Application for Predetermination", 8/2026, is incorporated by reference.

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

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