

BOARDS AND COMMISSIONS

Board of Medical Licensure

(Amendment)

201 KAR 9:025. Interpretation and application of KRS 311.571(14)(10).

RELATES TO: KRS 311.530-311.620, 311.990

STATUTORY AUTHORITY: KRS 311.565, 311.571(14)(10)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.565 empowers the State Board of Medical Licensure to exercise all the administrative functions of the state in the prevention of empiricism and in the administrative regulation of the practice of medicine and osteopathy and authorizes the board to establish requirements and standards relating thereto. KRS 311.571(14)(10) authorizes the board to waive licensure requirements in extraordinary circumstances if the applicant's practice would benefit the public welfare based on the applicant's exceptional education, training, and practice credentials. This administrative regulation establishes application procedures and limitations for licensure under KRS 311.571(14)(10).

Section 1. Definitions.

(1) "Extraordinary circumstances" means that either one (1) of the Commonwealth's medical schools or an area or group of patients will be specially benefited by the board's granting of licensure to an applicant who has completed qualified education and training comparable in nature to the requirements of KRS 311.571(1) or (2) and is qualified to competently and safely practice medicine or osteopathy within the Commonwealth of Kentucky.

(2) "Exceptional education, training, and practice credentials" means credentials of a character demonstrably comparable to or far beyond those generally presented by applicants seeking licensure, including, at a minimum, verifiable proof that the applicant:

- (a) Is a graduate of a medical or osteopathic school of proven quality or has received advanced degrees from reputable graduate study programs in medicine; ~~and~~
- (b) Has completed at least three (3) years of postgraduate training recognized by the board to be of high quality; and
- (c) Has proven his or her abilities through practice experience.

Section 2. Application.

(1) In extraordinary circumstances, the board may grant licensure to an applicant upon proof that the applicant possesses exceptional education, training, and practice credentials and that ~~their~~~~the applicant's~~ practice would be beneficial to the public welfare.

(2) If an applicant requests that the executive director present his or her application for the board's review under KRS 311.571(14)(10), the executive director may, based upon his or her evaluation of the applicant's credentials and the circumstances involved, refuse to present the application to the board. The executive director shall require the applicant to provide written documentation and other verifiable evidence to aid his or her evaluation.

Section 3. Limitation Upon Licensure if Granted. The board may, in its discretion, grant regular or limited licensure or may place restrictions upon the licensure of anyone who is granted licensure pursuant to KRS 311.571(14)(10). The board shall only grant licensure to physicians of whose competency and fitness the board is assured, and, in any circumstance, to only grant licensure sufficient to satisfy the extraordinary circumstances that are present.

WILLIAM C. THORNBURY, M.D., President

APPROVED BY AGENCY: September 17, 2026

FILED WITH LRC: October 12, 2026 at 4:00 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, December 21, 2026, at 9:00 a.m., using the Kentucky Board of Medical Licensure Zoom meeting room. A Zoom link will be posted on the agency's web site, kbml.ky.gov, prior to the meeting. Individuals interested in being heard at this hearing shall notify this agency in writing no less than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received at least five (5) workdays prior to the hearing, the hearing may be cancelled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. 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 this proposed administrative regulation. Written comments previously submitted will be considered and new 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: Leanne K. Diakov, General Counsel, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, phone (502)764-2613, fax (502) 429-7118, email leanne.diakov@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Leanne K. Diakov, **Phone:** (502) 764-2613, **Email:** leanne.diakov@ky.gov

Subject Headings: Occupations and Professions, Physicians and Practitioners, Licensing

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the circumstances in which the board may waive education and training requirements in order to grant licensure to an otherwise qualified applicant.

(b) The necessity of this administrative regulation:

This regulation is necessary to establish the circumstances in which the board may waive education and training requirements in order to grant licensure to an otherwise qualified applicant.

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

This administrative regulation conforms to the content of KRS 311.565(1)(a) which authorizes the Board to promulgate regulations to prevent empiricism and regulate the practice of medicine/osteopathy in the Commonwealth of Kentucky and to KRS 311.571(14) which authorizes the Board to waive requirements for licensure in extraordinary circumstances.

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

This administrative regulation acts specifically to establish the circumstances in which the board may waive education and training requirements in order to grant licensure to an otherwise qualified applicant.

(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 cites to the newly-assigned statutory subsection, KRS 311.571(14), formerly KRS 311.571(10).

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

The amendment is necessary to cite to the newly-assigned statutory subsection, KRS 311.571(14), formerly KRS 311.571(10).

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

This amendment conforms to the content of KRS 311.565(1)(a) which authorizes the Board to promulgate regulations to prevent empiricism and regulate the practice of medicine/osteopathy in the Commonwealth of Kentucky and to KRS 311.571(14) which authorizes the Board to waive requirements for licensure in extraordinary circumstances.

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

This amendment acts specifically to establish the circumstances in which the board may waive education and training requirements in order to grant licensure to an otherwise qualified applicant.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. This administrative regulation implements 2026 Kentucky Laws Ch. 89 (SB 137).

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

This amendment will affect applicants who seek a license to practice medicine or osteopathy in the Commonwealth of Kentucky but do not otherwise meet qualifications.

(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 who seek a license to practice medicine or osteopathy in the Commonwealth of Kentucky but do not qualify for licensure under KRS 311.571(1) or (2), must possess credentials of a character demonstrably comparable to or beyond those generally presented by applicants seeking licensure, including that the applicant is a graduate of a medical or osteopathic school of proven quality or has received advanced degrees from reputable graduate study programs in medicine, has completed at least three (3) years of postgraduate training recognized by the board to be of high quality and has proven his or her abilities through verifiable practice experience.

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

Other than the existent application fee, there is no cost associated with the requirements of this administrative regulation known to the board.

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

Applicants who seek a license to practice medicine or osteopathy in the Commonwealth of Kentucky but do not qualify for licensure under KRS 311.571(1) or (2), may be granted licensure in Kentucky.

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

(a) Initially:

None.

(b) On a continuing basis:

None.

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

The agency is self-funded through application and licensure fees.

(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 of fees or funding will be necessary.

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

This regulation does not establish any fees nor does it directly or indirectly increase any fees.

(10) TIERING: Is tiering applied?

Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals regulated by it.

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 311.565 and KRS 311.571(14)

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

2026 Kentucky Laws Ch. 89 (SB 137)

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

Kentucky Board of Medical Licensure

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

(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:\$300.00 per application.

For subsequent years:\$300.00 per application.

2. Revenues:

For the first year:\$300.00 per application.

For subsequent years:\$300.00 per application.

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 licensed physicians.

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

1. Expenditures:

For the first year:\$300.00 per application

For subsequent years:\$300.00 per application

2. Revenues:

For the first year:Incalculable. Each individual will have benefit of potential income of practicing a profession for which a license is required by this agency.

For subsequent years:Incalculable. Each individual will have benefit of potential income of practicing a profession for which a license is required by this agency.

3. Cost Savings:

For the first year:Incalculable. Each individual could benefit from avoiding unnecessary costs of undertaking extensive training and education toward a profession for which they may already be qualified to practice.

For subsequent years:Incalculable. Each individual could benefit from avoiding unnecessary costs of undertaking extensive training and education toward a profession for which they may already be qualified to practice.

(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 promulgation of this administrative regulation will not have a major fiscal impact on state or local government or regulated entities.

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

This conclusion was reached by estimating that the administrative costs of processing a waiver application would be equal to or less than the cost of processing a full regular license application and that number of waiver applications submitted on an annual basis is likely to be approximately ten (10).

(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):

The amendment of this administrative regulation will not have a major fiscal impact on state or local government or regulated entities.

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

N/A

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.

: N/A

(2) State compliance standards.

: KRS 311.565 and KRS 311.571(14)

(3) Minimum or uniform standards contained in the federal mandate.

N/A

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

N/A

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

N/A