

1 AN ACT relating to licensed diabetes educators.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 309.325 is amended to read as follows:

4 As used in KRS 309.325 to 309.339, unless the context requires otherwise:

- 5 (1) "Board" means the Kentucky Board of Licensed Diabetes ***Care and Education***  
 6 ***Specialists***~~[Educators]~~;
- 7 (2) "Diabetes ***care and*** education" means a comprehensive collaborative process  
 8 through which people with or at risk for diabetes gain the knowledge and skills  
 9 needed to modify behavior and successfully self-manage the disease and its related  
 10 conditions;
- 11 (3) "Licensed diabetes ***care and education specialist***~~[educator]~~" means a health care  
 12 professional who has met the requirements of KRS 309.335, 309.337, and 309.339  
 13 and who focuses on training or educating people with or at risk for diabetes and  
 14 related conditions to change their behavior to achieve better clinical outcomes and  
 15 improved health status. The nondiabetes educator health professional and the  
 16 nonhealth-care professional who provide or support health care services to  
 17 individuals with diabetes, as defined by the~~[American]~~ Association of Diabetes  
 18 ***Care & Education Specialists***~~[Educators]~~, ***and those working to complete their***  
 19 competencies for Diabetes ***Care and Education Specialists***~~[Educators]~~, shall work  
 20 under the direction of a qualified diabetes care ***and education specialist***~~[provider]~~;
- 21 (4) "Practice of diabetes ***care and*** education" means assessing and developing a plan of  
 22 care for a person with or at risk of diabetes, identifying self-management goals for  
 23 the person, providing self-management training according to the plan, evaluating  
 24 the individual's outcome and recording a complete record of the individual's  
 25 experience and follow-ups;
- 26 (5) "Apprentice diabetes ***care and education specialist***~~[educator]~~" means a person who  
 27 holds a permit issued by the board to practice diabetes ***care and*** education who

1 meets the requirements of KRS 309.334 and the corresponding administrative  
2 regulations promulgated by the board; and

3 (6) "Master licensed diabetes care and education specialist<sup>[educator]</sup>" means a  
4 licensed diabetes and education specialist<sup>[educator]</sup> who has successfully  
5 completed the credentialing program of the~~[American]~~ Association of Diabetes  
6 Care & Education Specialists<sup>[Educators]</sup> or the~~[National]~~ Certification Board for  
7 Diabetes Care and Education<sup>[Educators]</sup> as a certified diabetes care and  
8 education specialist<sup>[educator]</sup> or a board-certified advanced diabetes care and  
9 education specialist manager.

10 ➔Section 2. KRS 309.327 is amended to read as follows:

11 (1) A person shall use the title "master licensed diabetes care and education  
12 specialist<sup>[educator]</sup>," "licensed diabetes care and education specialist<sup>[educator]</sup>,"  
13 or "apprentice diabetes care and education specialist<sup>[educator]</sup>" or hold himself or  
14 herself out as a "master licensed diabetes care and education specialist<sup>[educator]</sup>,"  
15 "licensed diabetes care and education specialist<sup>[educator]</sup>," or "apprentice diabetes  
16 care and education specialist<sup>[educator]</sup>" or a title substantially similar, or engage  
17 in the practice of diabetes care and education, display a sign or in any other way  
18 advertise or present himself or herself as a person who practices diabetes care and  
19 education only if he or she holds a current, unsuspended and unrevoked license or  
20 permit issued by the board pursuant to KRS 309.325 to 309.339.

21 (2) Nothing in KRS 309.325 to 309.339 shall apply to persons licensed, certified, or  
22 registered under any other provision of the Kentucky Revised Statutes, including  
23 but not limited to physicians, nurses, pharmacists, dietitians, and nutritionists or  
24 students in accredited training programs in those professions, and nothing in KRS  
25 309.325 to 309.339 shall be construed to limit, interfere with, or restrict the  
26 practice, descriptions of services, or manner in which they hold themselves out to  
27 the public.

1 (3) Nothing in KRS 309.325 to 309.339 shall be construed to alter, amend, or interfere  
2 with the practice of those who provide health care services, including but not  
3 limited to physicians, nurses, pharmacists, dietitians, and nutritionists.

4 (4) Nothing in KRS 309.325 to 309.339 shall apply to activities and services of an  
5 accredited institution of higher education as part of a program of studies.

6 ➔Section 3. KRS 309.329 is amended to read as follows:

7 (1) There is hereby created the Kentucky Board of Licensed Diabetes Care and  
8 Education Specialists~~[Educators]~~ consisting of five (5) members who shall be  
9 appointed by the Governor as follows:

10 (a) One (1) member shall be a licensed medical physician with experience in the  
11 delivery of diabetes care and education appointed from a list of three (3)  
12 names submitted by the State Board of Medical Licensure;

13 (b) One (1) member shall be a registered nurse with experience in diabetes care  
14 and education appointed from a list of three (3) names submitted by the  
15 Kentucky Board of Nursing;

16 (c) One (1) member shall be a pharmacist experienced in diabetes care and  
17 education, licensed under KRS Chapter 315, and appointed from a list of three  
18 (3) names submitted by the Kentucky Board of Pharmacy;

19 (d) One (1) member shall be a licensed dietitian or certified nutritionist with  
20 experience in diabetes care and education appointed from a list of three (3)  
21 names submitted by the Kentucky Board of Licensure and Certification for  
22 Dietitians and Nutritionists; and

23 (e) One (1) member shall be a citizen at large who is not employed in the health  
24 care field.

25 One (1) of the members appointed under paragraph (b), (c), or (d) of this subsection  
26 shall have completed either the credentialing program of the~~[American]~~  
27 Association of Diabetes Care & Education Specialists~~[Educators]~~ or the~~[National]~~

1 Certification Board for Diabetes Care and Education~~[Educators]~~.

- 2 (2) (a) The Governor shall initially appoint one (1) member and the citizen at large to  
 3 terms of four (4) years, two (2) members to terms of three (3) years, and one  
 4 (1) member to a term of two (2) years.
- 5 (b) All reappointments to the board shall be for terms of four (4) years.
- 6 (c) No member shall serve more than two (2) consecutive terms and shall serve  
 7 on the board until his or her successor is appointed.
- 8 (3) The board shall organize annually and elect one (1) of its members as chair and one  
 9 (1) of its members as secretary. A quorum of the board shall consist of three (3)  
 10 members. The board shall meet at least semiannually and upon the call of the chair,  
 11 or at the request of two (2) or more members to the secretary of the board.
- 12 (4) The board shall be placed for administrative purposes under the Department of  
 13 Professional Licensing of the Public Protection Cabinet.

14 ➔Section 4. KRS 309.331 is amended to read as follows:

15 The board shall:

- 16 (1) Promulgate administrative regulations in accordance with KRS Chapter 13A to  
 17 carry out and enforce KRS 309.325 to 309.339, including creating a code of ethics,  
 18 standards of practice, and continuing education requirements for licensed diabetes  
 19 care and education specialists~~[educators]~~, based upon policies and positions  
 20 adopted by the~~[American]~~ Association of Diabetes Care & Education  
 21 Specialists~~[Educators]~~;
- 22 (2) Issue initial licenses and license renewals to individuals. A license shall not be  
 23 issued to a partnership, unincorporated association, corporation, or similar business  
 24 organization;
- 25 (3) Investigate alleged violations brought to its attention, conduct investigations, and  
 26 schedule and conduct administrative hearings in accordance with KRS Chapter 13B  
 27 to enforce KRS 309.325 to 309.339 and administrative regulations promulgated

1 pursuant to KRS 309.325 to 309.339. In conducting investigations, the board is  
2 authorized to:

- 3 (a) Administer oaths;
- 4 (b) Receive evidence;
- 5 (c) Interview persons;
- 6 (d) Require the production of books, papers, documents, or other evidence; and
- 7 (e) Institute civil and criminal proceedings against violators of KRS 309.325 to  
8 309.339. The Attorney General, Commonwealth's attorneys, and county  
9 attorneys shall assist the board in prosecuting violations of KRS 309.325 to  
10 309.339;

11 (4) Keep a record of its proceedings and a register of all persons licensed as diabetes  
12 care and education specialists~~educators~~, including the name of the licensee, the  
13 license number, date of issue, and last known place of business. The list shall be  
14 available to anyone upon request and payment of a fee not to exceed the cost of the  
15 publication;

16 (5) Collect or receive all moneys owed pursuant to KRS 309.333, 309.335, and 309.339  
17 and deposit all moneys into the fund established by KRS 309.333; and

18 (6) Reimburse members of the board for actual travel expenses incurred for attending  
19 the meetings of the board.

20 ➔Section 5. KRS 309.334 is amended to read as follows:

21 (1) An applicant for a permit as an apprentice diabetes care and education  
22 specialist~~educator~~ shall:

23 (a) File a written application on forms provided by the board in order to practice  
24 and earn the experience required for a type of license application;

25 (b) Engage in the practice of diabetes care and education while receiving  
26 qualifying experience with a board-approved supervisor who shall assume  
27 responsibility for and supervise the apprentice diabetes care and education

1 specialist's~~[educator's]~~ practice;

2 (c) Not practice diabetes care and education until a supervisor has been approved  
3 by the board;

4 (d) Cease the practice of diabetes care and education immediately upon the  
5 supervisor's inability or unwillingness to act as the supervisor; and

6 (e) Upon gaining the required supervision hours and completing a board-  
7 approved diabetes care and education~~[educator]~~ course, apply for licensure as  
8 a licensed diabetes care and education specialist~~[educator]~~.

9 (2) The board shall promulgate administrative regulations in accordance with KRS  
10 Chapter 13A. Topics shall include~~[to do the following, including]~~ but not be  
11 limited to the following:

12 (a) Establishing~~[Establish]~~ the duties of the apprentice diabetes care and  
13 education specialist~~[educator]~~ supervisor;

14 (b) Establishing~~[Establish]~~ fees; and

15 (c) Establishing~~[Establish]~~ additional requirements for an apprentice diabetes  
16 care and education specialist~~[educator]~~ permit as the board determines are  
17 necessary.

18 ➔Section 6. KRS 309.335 is amended to read as follows:

19 (1) An applicant for licensure as a diabetes care and education specialist~~[educator]~~  
20 shall:

21 (a) File a written application on forms provided by the board;

22 (b) Provide evidence to the board showing successful completion of one (1) of the  
23 following:

24 1. A board-approved course in diabetes care and education with  
25 demonstrable experience in the care of people with diabetes under  
26 supervision that meets requirements specified in administrative  
27 regulations promulgated by the board;

- 1           2.    The credentialing program of the~~[American]~~ Association of Diabetes  
2                Care & Education Specialists~~[Educators]~~ or the~~[National]~~ Certification  
3                Board for Diabetes Care and Education~~[Educators]~~; or  
4           3.    An equivalent credentialing program as determined by the board; and  
5       (c)   Pay licensing amounts as promulgated by the board through administrative  
6           regulation, with the following restrictions:  
7           1.    Initial licensing shall not exceed one hundred dollars (\$100);  
8           2.    Annual renewal shall not exceed one hundred dollars (\$100);  
9           3.    Biennial renewal shall not exceed two hundred dollars (\$200);  
10          4.    Late renewal shall not exceed one hundred fifty dollars (\$150); and  
11          5.    The reinstatement fee shall not exceed two hundred twenty-five dollars  
12               (\$225).  
13       (2)   (a)   Licenses or permits shall be renewed annually or biennially if the board  
14               requires biennial license renewal by administrative regulation.  
15          (b)   Licenses or permits not renewed within thirty (30) days after the renewal date  
16               shall pay a late penalty as promulgated by the board in administrative  
17               regulation.  
18          (c)   Licenses or permits not renewed within ninety (90) days of the renewal date  
19               shall lapse and may only be reinstated with payment of a reinstatement fee and  
20               initial licensing amount as promulgated by the board in administrative  
21               regulation.  
22          (d)   An apprentice diabetes care and education specialist~~[educator]~~ shall not carry  
23               a permit for more than five (5) years without becoming licensed.  
24       ~~[(3) Notwithstanding subsections (1) and (2) of this section, prior to July 1, 2014, a~~  
25               ~~person who the board finds to have successfully achieved a core body of knowledge~~  
26               ~~and skills in the biological and social sciences, communication, counseling, and~~  
27               ~~education, by training or instruction, as well as experience in the care of people with~~

1 ~~diabetes under supervision that meets the requirements specified in administrative~~  
 2 ~~regulations promulgated by the board, may be issued an initial license by the board~~  
 3 ~~upon payment of an initial licensing fee, completion of a written application on~~  
 4 ~~forms provided by the board, and submission of any other information requested by~~  
 5 ~~the board.~~

6 ~~(4) Until May 1, 2014, notwithstanding subsection (1) of this section, individuals who~~  
 7 ~~have practiced diabetes education for a minimum of one thousand (1,000) hours per~~  
 8 ~~year for the past three (3) years, but are not currently credentialed by the American~~  
 9 ~~Association of Diabetes Educators as a board-certified advanced diabetes manager~~  
 10 ~~or by the National Certification Board for Diabetes Educators as a certified diabetes~~  
 11 ~~educator, may apply to the board for licensure as a diabetes educator by submitting~~  
 12 ~~the initial licensure fee and proof of employment, in order to continue to practice~~  
 13 ~~diabetes education, as defined by KRS 309.325(2).]~~

14 ➔ Section 7. KRS 309.336 is amended to read as follows:

15 (1) An applicant for licensure as a master licensed diabetes *care and education*  
 16 *specialist*~~[educator]~~ shall:

- 17 (a) File a written application on forms provided by the board; and  
 18 (b) Provide proof of completion of the credentialing program of the~~[American]~~  
 19 Association of Diabetes *Care & Education Specialists*~~[Educators]~~ or the~~[~~  
 20 ~~National]~~ Certification Board for Diabetes *Care and Education*~~[Educators]~~ as  
 21 a certified advanced diabetes *care and education* manager or a certified  
 22 diabetes *care and education specialist*~~[educator]~~.

23 (2) The board shall promulgate administrative regulations *in accordance with KRS*  
 24 *Chapter 13A. Topics shall include*~~[to do the following, including]~~ but not *be*  
 25 limited to *the following*:

- 26 (a) *Establishing*~~[Establish]~~ a fee for licensure; and  
 27 (b) *Establishing*~~[Establish]~~ additional requirements for a master licensed diabetes



1            *care and education specialist*~~[educator]~~ as the board determines are  
2            necessary.

3            ➔Section 8. KRS 309.339 is amended to read as follows:

- 4            (1) The board may deny or refuse to renew a license, may suspend or revoke a license,  
5            may issue an administrative reprimand, or may impose probationary conditions or  
6            fines not to exceed five hundred dollars (\$500) when the licensee has engaged in  
7            unprofessional conduct that has endangered or is likely to endanger the health,  
8            welfare, or safety of the public. Unprofessional conduct shall include the following:
- 9            (a) Obtaining or attempting to obtain a license by fraud, misrepresentation,  
10            concealment of material facts, or making a false statement to the board;
  - 11            (b) Being convicted of a felony in any court if any act for which the licensee or  
12            applicant for license was convicted is determined by the board to have a direct  
13            bearing on whether the person is trustworthy to serve the public as a licensed  
14            diabetes *care and education specialist*~~[educator]~~, if in accordance with KRS  
15            Chapter 335B. "Conviction," as used in this paragraph, shall include a finding  
16            or verdict of guilty, an admission of guilt, or a plea of nolo contendere in a  
17            court of law;
  - 18            (c) Violating any lawful order or administrative regulation promulgated by the  
19            board;
  - 20            (d) Violating any provision of KRS 309.325 to 309.339 or administrative  
21            regulation promulgated by the board;
  - 22            (e) Evidence of gross negligence or gross incompetence in the practice of diabetes  
23            *care and* education; and
  - 24            (f) Violating the standards of practice or the code of ethics as promulgated by  
25            administrative regulations.
- 26            (2) All administrative hearings for the disciplinary action against a license or certificate  
27            holder shall be conducted in accordance with KRS Chapter 13B.