

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 33:015E
Contact Person: Sara Boswell Janes
Phone Number: (502) 782-2709 (office)
Email: sara.janes@ky.gov

Subject Headings: Dietitians and Nutritionists, Boards and Commissions, Licensing, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 310.041 requires the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists (the “board”) to promulgate administrative regulations and to review and approve or reject the qualifications of all applicants for licensure and certification. This administrative regulation establishes the procedure for submitting an application for licensure or certification; and establishes requirements for institutions to be approved by the board.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 310.041(1), (2), and (6).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 310.041(1) requires the Kentucky Board of Licensure for Dietitians and Nutritionists to promulgate administrative regulations to regulate the issuance of licenses and certificates under KRS 310.021 and KRS 310.031. This administrative regulation establishes the procedure for submitting an application for licensure or certification; and establishes requirements for programs of study to be approved by the board.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 310 by carrying out the legislative mandate for the board to establish regulations for the issuance of licenses and certifications to practice dietetics and nutrition.

(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 re-organizes and clarifies the existing administrative regulation to eliminate repetitious language and streamline requirements for licensure or certification; adds the requirement of a criminal background investigation by the KSP and FBI pursuant to KRS 310.095; adds the requirement of a baccalaureate transcript for an application as a nutritionist, as required by KRS 310.031(2)(a); and changes one (1) graduate credit requirement to update for more current curriculum requirements.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to update the application requirements and material incorporated by reference to include the KSP and FBI criminal background investigation which becomes necessary for licensure or certification on July 15, 2026, due to the enactment of KRS 310.095.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 310.041(1) requires the Kentucky Board of Licensure for Dietitians and Nutritionists to promulgate

administrative regulations to regulate the issuance of licenses and certificates under KRS 310.021 and KRS 310.031.

(d) How the amendment will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 310 by carrying out the legislative mandate for the board to establish regulations for the issuance of licenses and certifications to practice dietetics and nutrition.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. KRS 310.095, Created 2026 Ky. Acts Ch. 33, sec. 3, effective July 15, 2026.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 2436 active and 76 inactive licensees in some capacity, and will also affect new 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: Applicants for licensure or certification will have to provide a criminal background investigation performed by the KSP and FBI within the last sixty (60) days of the application. The applicant must pay any required fee and have the investigation sent directly to the board.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be a cost for the application for a credential, however, that cost has not increased. However, there will be a cost to obtain a criminal background check, which the board understands the fees to be as follows: \$20.00 for the KSP; \$18.00 for the FBI, and fingerprinting services to complete the request of \$10.00 for some local law enforcement agencies who provide the service, or \$20.00 for a private vendor like IdentiGO. The total cost is anticipated to be between \$48.00 and \$58.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will be in compliance with the requirements of KRS 310.095 and the Dietitian Licensure Compact, thus allowing Kentucky to advance towards its participation in the Compact allowing Kentucky credential holders to obtain the privilege to practice in Member States and give Member State credential holders the ability to obtain the privilege to practice in Kentucky. This will provide Kentucky citizens in need of professional counseling with a larger pool of service providers, which increases accessibility to care in rural areas, and thus promotes public safety.

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

(a) Initially: No costs are anticipated by the administrative body to implement these changes.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The board's operations are funded by fees paid by credential holders and applicants.

(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 in fees or funding will be necessary to implement this administrative regulation.

(9) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? (Explain why or why not): Tiering was not applied as the changes apply to all equally.