

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 33:020

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

(1) Provide a brief summary of:

(a) What this administrative regulation does: The regulation establishes the renewal, late renewal, revocation, inactive status and reinstatement process for current and former dietitians and nutritionists.

(b) The necessity of this administrative regulation: The necessity of this regulation is to establish the renewal, late renewal, revocation, inactive status, and reinstatement process for current and former dietitians and nutritionists application process and requirements to be licensed or certified by the board.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding renewal and the continuing education requirement for a credential holder.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist credential holders of the requirements related to renewal, reinstatement, inactive status and reinstatement of credentials 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 retitles the administrative regulation to include late renewal, revocation, inactive status and renewal by reinstatement which were previously included in the regulation but not identified; adds the requirement of a criminal background investigation by the KSP and FBI pursuant to KRS 310.095; reorganizes and clarifies the existing administrative regulation to streamline requirements for renewal, late renewal, revocation, inactive status and renewal by reinstatement; and adds a provision that any person who fails to apply for reinstatement within three (3) years of termination or revocation shall apply for a new license or certification and meet current credentialing standards.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to identify all licensure and certification issues included in the administrative regulation, update the application requirements for reinstatement, and material incorporated by reference, to include the KSP and FBI criminal background investigation which becomes necessary for reinstatement on July 15, 2026, due to the enactment of 2026 HB 36, and to establish a new standard requiring application for a new credential when more than three (3) years has lapsed since expiration of a credential.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 310.041(1) requires the Kentucky Board of Licensure and Certification 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, Section 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 reinstatement 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. Also, applicants whose credential has been expired for more than three (3) years must apply for a new credential and meet current standards.

(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 renewal, late renewal, inactive status renewal and reinstatement, however, those costs have not increased. However, 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. Also, the entities will benefit by the three (3) year limit on reinstatement after expiration of the credential since the statute requirements to pay all renewal fees since the last renewal can lead to large fees to reinstate.

(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.