



STATEMENT OF EMERGENCY

201 KAR 33:020E

Pursuant to KRS 13A.190(1)(a)2. and KRS 310.095, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 36 which requires the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists (the "Board") to require a national and state criminal background investigation for every applicant seeking an initial license or certification issued by the Board to engage in the practice of dietetics or nutrition, and applicants seeking to reinstate a license or certification. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 310.095 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act.

As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure applications—whereby the Board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore "[p]revent an imminent loss of federal or state funds" pursuant to KRS 13A.190(1)(a)2. This emergency amended administrative regulation is temporary and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency amendment and will be identical.



Erin Eliassen, Board Chair, Kentucky Board of Licensure and Certification for Dietitians and Nutritionists

Dated: July 15, 2026



Andy Beshear, Governor, Commonwealth of Kentucky

Dated: July 15, 2026

1 BOARDS AND COMMISSIONS

2 KENTUCKY BOARD OF LICENSURE AND CERTIFICATION FOR DIETITIANS AND
3 NUTRITIONISTS

4 (Emergency Amendment)

5 201 KAR 33:020E. Renewals, late renewal, revocation, inactive status, and reinstatement.

6 RELATES TO: KRS 310.041

7 STATUTORY AUTHORITY: KRS 310.041, 310.050, 310.095

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.050(1) requires the board to
9 promulgate administrative regulations establishing procedures for annual renewal of licenses and
10 certificates. KRS 310.095 requires applicants seeking an initial license to engage in a profession
11 authorized by the board to obtain a national and state criminal background investigation by means
12 of a fingerprint check by the Kentucky State Police and the Federal Bureau of Investigation. This
13 administrative regulation establishes procedures for annual renewal, late renewal, revocation,
14 inactive status and reinstatement of licenses and certificates.

15 Section 1. [~~Regular~~] Renewal.

16 (1) A credential shall be renewed on or before October 31 of each year.

17 (2) An initial credential issued within ninety (90) days of October 31 shall be renewed on or
18 before October 31 of the following year. [~~A licensed dietitian or certified nutritionist shall~~
19 ~~annually, before November 1,~~]

20 (3) To apply for renewal, a credential holder shall:

21 (a) Submit [~~submit~~] a completed Renewal Application, DPL-DN-02; and

1 (b) Pay [pay] to the board the renewal fee established by 201 KAR 33:010, Section 2, for the
2 renewal of the license or certificate. ~~[(2) Except as provided under Section 2 of this administrative~~
3 ~~regulation, if a license or certificate is not renewed before November 1 of each year, it shall expire.]~~

4 ~~(c)[(3)]~~ Document compliance ~~[Compliance]~~ with continuing education requirements
5 established ~~[shall be documented as provided]~~ by 201 KAR 33:030.

6 ~~[(3) Compliance with continuing education requirements shall be documented as provided by 201~~
7 ~~KAR 33:030.]~~

8 Section 2. Grace Period and Late Renewal. ~~[and the Grace Period.]~~

9 (1) A sixty (60) day grace period shall be allowed beginning November 1, during which a
10 licensee or certificate holder may renew his or her license or certificate upon payment of the
11 renewal fee plus the late renewal fee established by 201 KAR 33:010, Section 2. ~~[(2)(a)]~~ A licensee
12 or certificate holder may continue to practice during the sixty (60) day grace period. ~~[(b) Upon~~
13 ~~request of the employer, a licensee or certificate holder practicing in accordance with paragraph~~
14 ~~(a) of this subsection shall present evidence of a valid pre-existing license or certificate.]~~

15 ~~(2)[(3)]~~ A person requesting renewal ~~[of a certification or licensure]~~ during the sixty (60) day
16 grace period shall comply with the continuing education requirements as required by KRS
17 310.050(3) and as specified by 201 KAR 33:030.

18 Section 3. Automatic Revocation. Failure to renew during the grace period shall result in automatic
19 revocation of the license or certification ~~[Upon revocation]~~ as set forth by KRS 310.050(4), and a
20 licensee or certificate holder~~;~~ shall no longer be eligible to practice in the Commonwealth.

21 Section 4. Renewal of Inactive Status. A credential holder who has elected to hold the credential
22 in an inactive status shall annually renew the inactive status during the renewal period and pay the
23 fee set forth in 201 KAR 33:010. Section 3(1).

1 Section 5. [~~Licensure and Certification~~] Reinstatement. After the sixty (60) day grace period, a
2 license or certificate that was [~~which has been~~] automatically revoked due to failure to renew[;]
3 shall be reinstated if the licensee or certificate holder has:

4 (1) Submitted a complete Reinstatement Application, DPL-DN-03;

5 (2) Paid the renewal fee plus a reinstatement fee as set forth by 201 KAR 33:010; and

6 (3) Documented that he or she has complied with the continuing education requirements
7 established by 201 KAR 33:030.

8 (4) For an application for reinstatement to practice as a dietitian or a dual credential, the results
9 of a national and state criminal background investigation by means of a fingerprint check
10 performed within the last ninety (90) days by the Department of Kentucky State Police (KSP) and
11 the Federal Bureau of Investigation (FBI) shall submitted directly to the board. The applicant shall
12 pay any required fee to the KSP and FBI. Any cases officially expunged shall not have to be
13 disclosed by the applicant and shall not be considered by the board as a conviction.

14 (5) Any person who fails to apply for reinstatement within three (3) years of termination or
15 revocation of the credential shall apply for a new license or certification and shall meet the current
16 licensure or certification requirements.

17 Section 6[~~Section 5~~]. Address and Contact Information Changes. [~~(1)~~] A credential[~~licensee or~~
18 ~~certificate~~] holder shall submit any change in the credential holder's name, [a current] address,
19 phone number or email address to the board [~~office by letter~~] within thirty (30) days of any such [an
20 address] change.

21 [~~(2) The letter shall include the licensee's or certificate holder's name, new address, phone number,~~
22 ~~and license or certificate number. (3) Changes to other contact information such as the licensee's~~
23 ~~or certificate holder's name, email address, or phone number shall require the licensee or certificate~~

holder to submit the current contact information to the board office by letter within thirty (30) days of the changed contact information. The letter shall include the updated contact information and the license or certificate number.]

Section 7.[~~Section 6.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Renewal Application", DPL-DN-02, July 2026,[~~November 2015~~]; and

(b) "Reinstatement Application", DPL-DN-03, July 2026, [~~November 2015~~].

(2)

(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists, 500 Mero Street, 2 SC 32[~~911 Leawood Drive~~], Frankfort, Kentucky 40601, Monday through Friday, 8:00 [8] a.m. to 4:30[5] p.m. or

(b) This material may also be obtained at the Board of Licensure and Certification for Dietitians and Nutritionists at <https://bdn.ky.gov>.

201 KAR 33:020E

APPROVED BY AGENCY:

Erin Eliassen

Erin Eliassen, Chair

Board of Licensure and Certification for Dietitians and Nutritionists

Date: July 15, 2026

AFFIDAVIT OF EMERGENCY STATEMENT BY BOARD CHAIR

Comes the Affiant, Erin Eliassen, and after first being duly sworn, states the following:

1. I am Chair of the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists.
2. The 2026 General Assembly enacted HB 36 requiring a criminal background investigation by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation for all initial applicants for licensure or certification, and all applicants for reinstatement, for authorization to engage in the practice of dietetics and nutrition, effective on July 15, 2026.
3. The Board of Licensure and Certification for Dietitians and Nutritionists considered these amendments at its April 28, 2026, regular meeting and authorized the filing of the accompanying emergency amendment to the administrative regulation prior to the effective date of HB 36 to ensure there is no undue delay in processing applications for initial licensure and reinstatement.
4. Based on a finding that an emergency exists in accordance with KRS 13A.190(1)(a)2., and an imminent deadline for the promulgation of amendments to the administrative regulation required by the passage of HB 36, the attached emergency amendment is being filed to ensure there is no undue delay in processing applications for initial licensure and reinstatement for dietitians.

Further the Affiant saith naught.

Erin Eliassen

Affiant