

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 33:015

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(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 310.041 requires the Kentucky Board of Licensure 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. The proposed amendment will clarify requirements for dual licensure as a Nutritionist and as a Dietitian.

(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: This amendment adds a requirement that license verification documentation be created within sixty (60) days of the application, clarifies the form of documentation accepted by the board to verify licensure in other jurisdictions, and replaces the material incorporated by reference with an updated form to be used by applicants for dual licensure as Dietitian and as Nutritionist.

(b) The necessity of the amendment to this administrative regulation: See (1)(b).

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c).

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of February 10, 2022, the board oversees 1739 active licensees, and an additional 100 licensees with temporary telehealth permits. This regulation will affect as an unknown number of applicants for licensure following implementation of the proposed amendment.

(4) Provide an analysis of how the entities identified in the previous question 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 each of the regulated entities have to take to comply with this regulation or amendment: applicants for licensure or certification will have to provide license verification documentation from other jurisdictions where applicants hold licenses, documentation that must be created within sixty (60) days of the date of application.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: This regulation should add no additional cost to applicants for licensure because the current regulation and material incorporated by reference already requires license verification to be provided by the applicant.

(c) As a result of compliance, what benefits will accrue to the entities: This regulation will clarify the form of license verification documentation accepted by the board and make it easier for applicants coming from other jurisdictions to apply for licensure in Kentucky.

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

(a) Initially: This administrative regulation does not create a cost for the administrative body.

(b) On a continuing basis: This administrative regulation does not create a cost for the administrative body.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists self-funded through the fees paid by licensees. No additional funding is necessary for the implementation and enforcement of this administrative regulation.

(7) 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 increases in fees or funding is necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No increases in fees or funding is necessary to implement this administrative regulation.

(9) TIERING: Is tiering applied? Tiering is not applied because similarly situated applicants and licensees are treated similarly under this administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

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(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

This administrative regulation impacts the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists (the Board).

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 319.032(1).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

This administrative regulation does not generate revenue for the Board. Board fees are set by separate regulation at 201 KAR 33:010.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?
None.

(c) How much will it cost to administer this program for the first year?

There are no additional costs.

(d) How much will it cost to administer this program for subsequent years?

See 3(c).

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

The “Application for Licensure, Certification, or Dual Licensure,” is the three (3) page application form used by prospective applicants to apply for licensure or certification by the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists (the Board). KRS 310.021 and KRS 310.031 require applicants to apply for licensure or certification and KRS 310.041(6) requires the Board to review those applications. This form assists in making that procedure uniform.

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

Current material incorporated by reference, “Application for Licensure or Certification,” is two (2) pages in length. Current material incorporated by reference, “Verification of Licensure in Other Jurisdictions,” form is one (1) page in length. Under the proposed amendment to 201 KAR 33:015, these forms are being replaced by a single, new form titled, “Application for Licensure, Certification, or Dual Licensure.”