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November 17, 2026

SENT VIA EMAIL PURSUANT TO KRS 13A.280(3)(d):
Members of the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists Reg Watch Distribution List:

Please be advised that the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists ("KBLCDN") filed an amended after comments version of the following administrative regulation:

SUMMARY OF AMENDED AFTER COMMENTS VERSIONS:

201 KAR 33:015. Applications; approved programs. (Amended After Comments)
Brief explanation of amendments: The Board amended Section 1(6)(a), (b), and (c) to include (1) the requirement an applicant for certification as a nutritionist shall also meet the criteria in KRS 310.031(b), which requires that the applicant be a graduate of a master's degree program in food science, nutrition, or a closely related area to food science or nutrition, and have a minimum of twelve (12) semester hours of graduate credit in human nutrition from a United States regionally-accredited college; (2) clarify that the applicant must meet the requirements of an approved baccalaureate and an approved master's degree program; and (3) Re-insert subsection (3) of KRS 310.031 as an optional qualification for licensure in lieu of the qualifications required under KRS 310.031(2)(a) and (b).

201 KAR 33:020. Renewal, late renewal, revocation, inactive status, reinstatement. (Amended After Comments)
Brief explanation of amendments: The Board has amended Section 1(2), after ninety (90) days, to add the word "before" and strike the word "of" October 31 to clarify that only those with an initial credential issued ninety (90) days before October 31 are not required to renew until October 31 of the next year. This will eliminate any confusion that this would apply to a person issued an initial credential up to ninety (90) days after October 31. In Section 5(4), the Board has amended Line 11 to correct a clerical error where the word "be" was missing after "shall" and before "submitted, to ensure applicants know the FBI criminal background check shall be submitted directly to the Board. Finally, the Board has amended Question 1 on the DPL-DN-02, Renewal Application, to fully address military members and military spouses in compliance with the Servicemembers Civil Relief Act.

201 KAR 33:071. Telehealth and Telepractice. (Amended After Comments)
Brief explanation of amendments: The Board amended Section 1(2) to strike the definition of "licensed healthcare professional" and renumbered the subsequent definitions accordingly. Amendments were also made to Section 2 after comments were made suggesting confusion in the language relating to another licensed healthcare professional appearing to be able to represent the licensee in meeting client requirements. That language was stricken to eliminate any confusion that the provider has a duty to meet the client requirements for telehealth and that the provider's duty cannot be transferred to another healthcare professional. Further, Section 2(6)(i) was amended to clarify
that both the practitioner and the client may elect to discontinue the provision of services through telehealth. Finally, Section 4(2)(b) was amended to clarify that services are provided to a "client" who is physically located in Kentucky, and not just a "person" for purposes of consistency with terminology in the regulations. Finally, the Board amended Section 4(4) to clarify that the section applies to Kentucky credential holders.

201 KAR 33:081. Scope of Practice. (Amended After Comments)
Brief explanation of amendments: In Section 1. Scope of Practice. the "Commission on Dietetic Registration" was stricken and replaced with the "Academy of Nutrition and Dietetics" due to a change in the administration and housing of the 2024 Scope and Standards of Practice for Registered Dietitian Nutritionist, and "revised 2024" was stricken due to a duplication in the title and recommendation that it was unnecessary.

A copy of the amended after comments version is attached to this e-mail.

These administrative regulations may be obtained on the KBLCDN Web site and can be accessed online through public libraries or any computer with Internet access. The KBLCDN's Web site is https://bdn.ky.gov/ or the Legislative Research Commission Web site at: https://legislature.ky.gov

FILED WITH LRC
TIME: 2:00 PM
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REGULATIONS COMPILER

BOARDS AND COMMISSIONS

KENTUCKY BOARD OF LICENSURE AND CERTIFICATION FOR DIETITIANS AND NUTRITIONISTS

(Amended After Comments)

201 KAR 33:081. Scope of practice.

RELATES TO: KRS 310.005, 310.021, 310.031, 310.041

STATUTORY AUTHORITY: KRS 310.041

NECESSITY, FUNCTION, AND CONFORMITY: KRS 310.041 requires the board to promulgate administrative regulations to implement KRS 310.005, 310.021, 310.031, 310.040, 310.041, 310.042, 310.050, 310.070, and 310.990. This administrative regulation establishes the scope of practice for a licensed dietitian or certified nutritionist.

Section 1. Scope of Practice. A licensed dietitian shall practice dietetics or nutrition consistent with the skills and procedures in the **Academy of Nutrition and Dietetics':**[~~Commission on Dietetic Registration's:~~] Revised 2024 Scope and Standards of Practice for the Registered Dietitian Nutritionist. A certified nutritionist shall practice nutrition consistent with the nutritionist's level of training and competence in the practice of nutrition.

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) **Academy of Nutrition and Dietetics':[~~Commission on Dietetic Registration's:~~]** Revised 2024 Scope and Standards of Practice for the Registered Dietitian Nutritionist", **[~~revised 2024,~~]** is incorporated by reference.

(2) 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, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at https://bdn.ky.gov.

201 KAR 33:081

APPROVED BY AGENCY:



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

Date: November 10, 2026

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 33:081
Contact Person: Sara Boswell Janes
Phone Number: (502) 782-2709 (office)
Email: sara.janes@ky.gov

Subject Headings: Dieticians and Nutritionists, Occupations and Professions, Boards and Commissions,

(1) Provide a brief summary of:

(a) What this administrative regulation does: The regulation establishes the scope of practice for dietitians and nutritionists.
(b) The necessity of this administrative regulation: This regulation is necessary to establish the scope of practice for dietitians and nutritionists.
(c) How this administrative regulation conforms to the content of the authorizing statutes: The Board is given the authority to establish administrative regulations for the practice of dietitians and nutritionists in KRS 310.041.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth the scope of practice for dietitians and nutritionists.

(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 after comments will correct the institution that houses the scope of practice and standards for dietitians and nutritionists from the Commission on Dietetics to the Academy of Nutrition and Dietetics'.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to correctly name the appropriate institution responsible for publishing the 2024 Scope of Practice and Standards of Practice for the Registered Dietitian Nutritionists, which contains the scope of practice and standards for Kentucky credential holders.
(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? No.

(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: Dietitians and nutritionists will have to abide by the scope of practice requirements.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no new costs imposed by this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Dietitians and nutritionists will be able to practice within the scope of their licenses or certificates.

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

(a) Initially: There is no new cost.

(b) On a continuing basis: There is no additional cost.

(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.

FISCAL IMPACT STATEMENT

Regulation No. 201 KAR 33:081
Contact Person: Sara Boswell Janes
Phone Number: (502) 782-2709 (office)
Email: sara.janes@ky.gov

(1) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 310.005, 310.041

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Amended 2008 Ky. Acts ch. 51, sec. 1, effective July 15, 2008. -- Amended 1996 Ky. Acts ch. 318, sec. 250, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 319, sec. 5, effective July 15, 1994.

(3) (a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:
   For the first year: None
   For subsequent years: None
2. Revenues:
   For the first year: None
   For subsequent years: None
3. Cost Savings:
   For the first year: None anticipated
   For subsequent years: None anticipated

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None anticipated.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:
   For the first year: N/A
   For subsequent years: N/A
2. Revenues:
   For the first year: N/A
   For subsequent years: N/A
3. Cost Savings:
   For the first year: N/A
   For subsequent years: N/A

(5) (a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no other regulated entities not otherwise listed.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures: N/A
   For the first year: N/A
   For subsequent years: N/A
2. Revenues:
   For the first year: N/A
   For subsequent years: N/A
3. Cost Savings:
   For the first year: N/A
   For subsequent years: N/A

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: This administrative regulation will not generate revenue for state or local government.

(b) Methodology and resources used to determine the fiscal impact: The board requested its fiscal administrator provide a budget analysis to determine if this administrative regulation will generate revenue for the Board and it determined it will not.

(7) Explain , as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This administrative regulation will not have an overall negative or adverse major economic impact.

(b) The methodology and resources used to reach this conclusion: Methodology and resources included a review of the existing budget by the board's fiscal administrator as well as consideration of the regulation and whether staff time and costs will be increased.

SUMMARY OF MATERIALS INCORPORATED BY REFERENCE

201 KAR 33:081

The following are materials incorporated by reference in this administrative regulation:

(1) "Commission on Dietetic Registration's: Revised 2024 Scope and Standards of Practice for the Registered Dietitian Nutritionist", revised 2024, is incorporated by reference.

SUMMARY OF CHANGES MATERIALS INCORPORATED BY REFERENCE

201 KAR 33.081

This is a new administrative regulation so there are no changes to materials incorporated by reference.

STATEMENT OF CONSIDERATION
Relating to 201 KAR 033:081
Kentucky Board of Licensure and Certification for Dietitians and Nutritionists
(Amended After Comments)

I. The public hearing on 201 KAR 033:081, scheduled for October 27, 2026, at 1:00 PM EST in Room 127 CW, The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601 was canceled; however, written comments were received during the public comment period.

II. The following people submitted written comments:

Name and Title	Agency/Organization/Entity/Other
Beth Cecil, RDN, LD, President	Kentucky Academy of Nutrition and Dietetics
Whitney Duddey, MHA, RD, LD, FAND, Consumer Protection Coordinator	Kentucky Academy of Nutrition and Dietetics

III. The following people from the promulgating administrative body responded to the written comments:

Name and Title	Agency/Organization/Entity/Other
Erin Eliassen	Chair, Board of Licensure & Certification for Dietitians & Nutritionists
Jessica Hogue	Member, Board of Licensure & Certification for Dietitians & Nutritionists
Carolyn Hofe	Member, Board of Licensure & Certification for Dietitians & Nutritionists
Delisa Brooks	Member, Board of Licensure & Certification for Dietitians & Nutritionists
Rayona Baker	Member, Board of Licensure & Certification for Dietitians & Nutritionists
Emily Bugay	Member, Board of Licensure & Certification for Dietitians & Nutritionists

IV. Summary of Comments and Responses

1. Subject Matter: Change in responsible agency for the scope and practices of dietitians and nutritionists.
(a) Comment: In the last year, Scope and Standards of Practice for the Registered Dietitian Nutritionist were moved out from under the Commission on Dietetic Registration and under the Academy of Nutrition and Dietetics. See here. Therefore, under Section 1 and Section 2, lines 14-15 and 19-20, we recommend replacing "Commission on Dietetic Registration's" with "Academy of Nutrition and Dietetics'." Additionally, we note the statement, ", revised 2024, is incorporated by reference," on line 21 in Section 2 appears to be redundant with the introduction on line 19, which already provides, "(1) The following materials is incorporated by reference: . . . ." Therefore, the additional reference to ", revised 2024, is incorporated by reference," on line 21 should be removed.
(b) Response: The Board concurs and will make the recommended amendments.

Summary of Statement of Consideration and
Action Taken by Promulgating Administrative Body

The public hearing on this administrative regulation was canceled; however, written comments were received from the Kentucky Academy of Nutrition and Dietetics. The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists is amending this administrative regulation in response to public comments received.

In Section 1. Scope of Practice. the "Commission on Dietetic Registration" was stricken and replaced with the "Academy of Nutrition and Dietetics" due to a change in the administration and housing of the 2024 Scope and Standards of Practice for Registered Dietitian Nutritionist, and "revised 2024" was stricken due to a duplication in the title and recommendation that it was unnecessary.