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MEMORANDUM

TO: Sara Boswell Janes, Staff Attorney III, Board of Licensed Diabetes Educators

FROM: Ange Darnell, Regulations Compiler

RE: Amended After Comments – 201 KAR 45:130

DATE: February 12, 2026

A copy of the Amended After Comments regulation listed above along with the required Statement of Consideration is enclosed for your files.

This administrative regulation is tentatively scheduled for review by the Administrative Regulation Review Subcommittee at its **MARCH 2026** meeting. Please notify the proper person(s) of this meeting.

If you have questions, please contact us at RegsCompiler@LRC.ky.gov or (502) 564-8100.

Enclosure

FEB 12 2026

Angie Dainell

REGULATIONS COMPILER

1 BOARDS AND COMMISSIONS

2 KENTUCKY BOARD OF LICENSED DIABETES EDUCATORS

3 (Amended After Comments)

4 201 KAR 45:130. Continuing education.

5 RELATES TO: KRS 309.337, 309.339

6 STATUTORY AUTHORITY: KRS 309.331

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.337 requires licensees to provide
8 documentation of the successful completion of board-approved continuing education credits and
9 that waivers and extensions of continuing education may be approved at the discretion of the
10 board. KRS 309.331(1) requires the board to promulgate administrative regulations establishing
11 continuing education requirements. This administrative regulation establishes continuing educa-
12 tion requirements for licensed diabetes educators.

13 Section 1. Accrual of Continuing Education Hours.

14 (1)

15 (a) The annual continuing education accrual period shall be from November 1 of each year
16 to October 31 of the next year.

17 (b) Prior to renewal of a diabetes educator license or apprentice diabetes educator permit
18 for the next licensure period, a licensee or permit holder shall have earned at least fifteen (15)
19 hours of approved continuing education.

20 (2) No more than fifteen (15) hours of continuing education shall be carried over into the next
21 continuing education period.

1 (3) It shall be the responsibility of each licensee to finance the costs of continuing education.

2 Section 2. Methods of Acquiring Continuing Education Hours.

3 (1) Continuing education hours for license or permit renewal shall have a substantial emphasis
4 on diabetes and be presented at a professional level that enhances the quality and effectiveness of
5 diabetes self-management education.

6 (2) A licensee or permit holder shall obtain continuing education courses from any of the fol-
7 lowing continuing education providers or programs approved by the providers:

- 8 (a) American Association of Diabetes Educators (AADE);
- 9 (b) American Diabetes Association (ADA);
- 10 (c) Academy of Nutrition and Dietetics (AND);
- 11 (d) Accreditation Council for Pharmacy Education (ACPE);
- 12 (e) Accreditation Council for Continuing Medical Education (ACCME-AMA);
- 13 (f) American Nurses Credentialing Center (ANCC);
- 14 (g) American Academy of Family Physicians (AAFP);
- 15 (h) American Academy of Nurse Practitioners (AANP);
- 16 (i) American Academy of Optometry (AAO);
- 17 (j) American Academy of Physician Assistants (AAPA);
- 18 (k) American Association of Clinical Endocrinologists (AACE);
- 19 (l) American College of Endocrinology (ACE);
- 20 (m) American College of Sports Medicine (ACSM);
- 21 (n) American Medical Association (AMA) or its Kentucky affiliate;
- 22 (o) American Nurses Association (ANA);
- 23 (p) American Occupational Therapy Association (AOTA);

- 1 (q) American Physical Therapy Association (APTA);
- 2 (r) American Psychological Association (APA);
- 3 (s) Commission on Dietetic Registration (CDR);
- 4 (t) Council on Continuing Medical Education (CCME-AOA);
- 5 (u) Council on Podiatric Medical Education (CPME-APMA);
- 6 (v) International Diabetes Federation (IDF);
- 7 (w) National Association of Clinical Nurse Specialists (NACNS);
- 8 (x) National Association of Social Workers (NASW);
- 9 (y) Kentucky Board of Nursing (KBN);
- 10 (z) Kentucky Board of Pharmacy;
- 11 (aa) Kentucky Board of Medical Licensure; ~~[or]~~
- 12 (bb) Kentucky Nurses Association (KNA); ~~[or]~~ or
- 13 **(cc) National Board for Certification in Occupational Therapy (NBCOT®).**

14 Section 3. Recordkeeping of Continuing Education Hours.

15 (1) A licensee or permit holder shall maintain a record of all continuing education courses at-
16 tended for at least two (2) years after attending the course.

17 (2) Appropriate documentation to be kept shall include:

- 18 (a) Proof of attendance;
- 19 (b) Date of activity;
- 20 (c) Description of activity;
- 21 (d) Total hours of instruction, excluding breaks; and
- 22 (e) The name of the continuing education provider or program approved by the providers
23 listed in Section 2.(2) above.~~[Names and professional qualifications of the presenters].~~

1 (3)

2 (a) Each licensee or permit holder shall sign a statement on the Renewal Application form
3 incorporated by reference in 201 KAR 45:120, indicating compliance with the continuing educa-
4 tion requirements.

5 (b) A license or permit shall not be renewed without the licensee signing this sworn statement.

6 Section 4. Reconsideration.

7 (1) A licensee or permit holder may request the board to reconsider its denial of a continuing
8 education course. The request shall be filed with the board in writing.

9 (2)

10 (a) A licensee or permit holder shall file the request for reconsideration pursuant to KRS
11 Chapter 13B within thirty (30) calendar days of notification of the denial.

12 (b) The request will be reviewed by the board at its next regularly scheduled meeting.

13 Section 5. Auditing of Continuing Education.

14 (1) During the annual renewal period, the board shall conduct a random audit of up to fifteen
15 (15) percent of current licensees and permit holders.

16 (2) Each licensee or permit holder selected for audit shall submit documentation of comple-
17 tion of continuing education units from the current license year to the board no later than the end
18 of the current license period.

19 (3) A licensee or permit holder who fails to comply with the audit request or the continuing
20 education requirements shall be subject to disciplinary action.

201 KAR 45:130

APPROVED BY AGENCY:

A handwritten signature in cursive script, appearing to read "E. Blair Lykins". The signature is written in dark ink and is positioned above a horizontal line.

E. Blair Lykins
Chair, Board of Licensed Diabetes Educators

Date: February 11, 2026

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 45:130

Contact Person: Sara Janes

Phone: 502-782-2709

Email: sara.janes@ky.gov

Subject Headings: Diabetes Educators, Education Professional Standards, Licensing

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the continuing education requirements for diabetes educators

(b) The necessity of this administrative regulation: The Board is required by KRS 309.331 to regulate the practice of diabetes education and promulgate regulations regarding continuing education.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The Board is required by KRS 309.331 to regulate the practice of diabetes education and promulgate regulations regarding continuing education.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 309.337 requires licensees to provide documentation of the successful completion of board-approved continuing education credits and that waivers and extensions of continuing education may be approved at the discretion of the board. KRS 309.331(1) requires the board to promulgate administrative regulations establishing continuing education requirements. This administrative regulation establishes continuing education requirements for licensed diabetes educators.

(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 clarifies that continuing education is required for a licensed diabetes educator and a diabetes educator apprentice and removes the requirement for the name of a presenter as part of the documentation that must be kept by the credential holder. This administrative regulation was amended after comments to add the National Board for Certification in Occupational Therapy (NBCOT®) as an approved continuing education (CE) provider.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to clarify the continuing education requirements for all credential holders and to remove the requirement for name of presenter since it is not needed if the continuing education was through a board-approved provider or program. This amendment after comments is necessary to add the NBCOT® as an approved continuing education provider. Occupational therapy practitioners support individuals with diabetes by addressing daily routines, medication management, lifestyle changes, self-monitoring, and functional strategies that promote self-management and better health outcomes.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of KRS 309.331(1) through the board's promulgation of administrative

regulations to carry out and clarify continuing education requirements for licensed diabetes educators and apprentices.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes by clarifying the continuing education requirements for all credential holders and relieving the credential holder of maintaining the name of a presenter for a program that was pre-approved by the board. The amendment after comments will help reduce the administrative burden of board-review for CE approval, which is unnecessary due to the nationally standardized and rigorous process NBCOT® employs in developing its evidence-based, continuing competency tools .

(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: The Public Protection Cabinet, the Board of Diabetes Educators, and its licensees and permit holders. There are currently 244 licensees and permit holders and 2 inactive credential holders.

(5) Provide an analysis of how the entities identified in question (3) 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 (3) will have to take to comply with this administrative regulation or amendment: There are no new actions the regulated entities will have to take to comply with this amendment as the regulation already requires continuing education.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The regulated entities currently pay for continuing education so there are no new costs to the regulated entities as a result of compliance with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There will be clarification that all regulated entities are required to have continuing education and that programs for approval must list the name of the presenter and what approved provider the presenter is affiliated with.

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

(a) Initially: There are no new costs initially.

(b) On a continuing basis: There are no new costs 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: Current Board funding comprised of fees for licensing, renewal and reinstatement will be used to implement and enforce this administrative regulation.

(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 additional funding or increase in fees is needed.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are directly or indirectly established or increased by the administrative regulation

(10) TIERING: Is tiering applied? Tiering is not applicable as the proposed language will be applied equally to all entities impacted by it.

FISCAL IMPACT STATEMENT

201 KAR 45:130

Contact Person: Sara Janes

Phone: 502-782-2709

Email: sara.janes@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 309.331 and 309.337, 201 KAR 45:130.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by KRS 309.331(1) as created by 2011 Ky. Acts ch. 87, sec. 4, effective June 8, 2011.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Board of Diabetes Educators.

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

1. Expenditures:

For the first year: No expenditures are expected to be generated by the provisions of this administrative regulation.

For subsequent years: No expenditures are expected to be generated by the provisions of this administrative regulation.

2. Revenues:

For the first year: No revenues are expected to be generated by the provisions of this administrative regulation.

For subsequent years: No revenues are expected to be generated by the provisions of this administrative regulation.

3. Cost Savings:

For the first year: No cost savings are expected by the provisions of this administrative regulation.

For subsequent years: No cost savings are expected by the provisions of this administrative regulation.

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

(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): None anticipated.

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

(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: There is no anticipated fiscal impact to this administrative regulation.

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

(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(13): This administrative regulation will not have an overall negative or adverse major economic impact to the entities identified.

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

STATEMENT OF CONSIDERATION
Relating to 201 KAR 045:130

Kentucky Board of Licensed Diabetes Educators
(Amended After Comments)

I. The public hearing on 201 KAR 045:130, scheduled for January 27, 2026, at 2:00 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:

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
Angela Macauley, President	National Board for Certification in Occupational Therapy
Barbara Williams, VP Reg Affairs.	National Board for Certification in Occupational Therapy

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

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
Blair Lykins, Chair	Board of Licensed Diabetes Educators
Dr. Omolara Fakunle	Board of Licensed Diabetes Educators
Kelsey Hatton	Board of Licensed Diabetes Educators
James "Alex" Minter	Board of Licensed Diabetes Educators

IV. Summary of Comments and Responses

1. Subject Matter: Request for inclusion of NBCOT as an approved continuing education provider.

(a) Comment: We appreciate the regulation's recognition of occupational therapy's role in diabetes education and management. Occupational therapy practitioners support individuals with diabetes by addressing daily routines, medication management, lifestyle changes, self-monitoring, and functional strategies that promote self-management and better health outcomes. We respectfully request that the National Board for Certification in Occupational Therapy (NBCOT®), the national certifying body for occupational therapy practitioners, be included as an approved provider within the regulation. NBCOT certification reflects a nationally standardized and rigorous process that helps ensure practitioner competence, ethical practice, and ongoing professional development. NBCOT provides evidence-based, continuing competency tools through its Navigator platform, including a case simulation on diabetes. The Kentucky Board of Licensure for Occupational Therapy fully accepts Navigator credits for renewal. Recognizing NBCOT within 201 KAR 45:130 would promote regulatory consistency and help reduce administrative burden for the Kentucky Board of Licensed Diabetes Educators. Thank you for your consideration of this recommendation and for your continued work in our shared objective of serving the public.

(b) Response: The Board concurs and will amend Section 2.(2) to add the National Board for Certification in Occupational Therapy (NBCOT®) as an approved continuing education provider.

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 National Board for Certification in Occupational Therapy. The Kentucky Board of Licensed Diabetes Educators is amending this administrative regulation in response to public comments received.

Page 3

Section 2

Line 11

After “Medical Licensure”, delete the following:
“or”

Page 3

Section 2

Line 12

After “(KNA)”, insert “;”, delete “.”, insert “or”

Page 3

Section 2

Line 13

Insert “(cc) National Board for Certification in Occupational Therapy (NBCOT®)”

