

**LAWS AND REGULATIONS RELATING TO
LICENSED DIABETES EDUCATORS**



Published By
The Kentucky Board of Licensed Diabetes Educators
P.O. Box 1360
Frankfort, KY 40602
<http://bde.ky.gov>

2021 Edition



DISCLAIMER

The statutes and regulations provided in this booklet are an *unofficial* version of the Kentucky Revised Statutes and Kentucky Administrative Regulations and are intended for informational purposes only. The official or certified versions of the Kentucky Revised Statutes and Kentucky Administrative Regulations should be consulted for all matters requiring reliance on the statutory text.

For the official copies of the statutes and regulations pertaining to this professions, please visit <https://legislature.ky.gov/Pages/index.aspx>.

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KENTUCKY REVISED STATUTES

309.325 Definitions for KRS 309.325 to 309.339.

As used in KRS 309.325 to 309.339, unless the context requires otherwise:

- (1) "Board" means the Kentucky Board of Licensed Diabetes Educators;
- (2) "Diabetes education" means a comprehensive collaborative process through which people with or at risk for diabetes gain the knowledge and skills needed to modify behavior and successfully self-manage the disease and its related conditions;
- (3) "Licensed diabetes educator" means a health care professional who has met the requirements of KRS 309.335, 309.337, and 309.339 and who focuses on training or educating people with or at risk for diabetes and related conditions to change their behavior to achieve better clinical outcomes and improved health status. The nondiabetes educator health professional and the nonhealth-care professional who provide or support health care services to individuals with diabetes as defined by the American Association of Diabetes Educators, Competencies for Diabetes Educators, shall work under the direction of a qualified diabetes care provider;
- (4) "Practice of diabetes education" means assessing and developing a plan of care for a person with or at risk of diabetes, identifying self-management goals for the person, providing self-management training according to the plan, evaluating the individual's outcome and recording a complete record of the individual's experience and follow-ups;
- (5) "Apprentice diabetes educator" means a person who holds a permit issued by the board to practice diabetes education who meets the requirements of KRS 309.334 and the corresponding administrative regulations promulgated by the board; and
- (6) "Master licensed diabetes educator" means a licensed diabetes educator who has successfully completed the credentialing program of the American Association of Diabetes Educators or the National Certification Board for Diabetes Educators as a certified diabetes educator or a board-certified advanced diabetes manager.

Effective: June 25, 2013

History: Amended 2013 Ky. Acts ch. 118, sec. 1, effective June 25, 2013. -- Amended 2012 Ky. Acts ch. 142, sec. 1, effective July 12, 2012. -- Created 2011 Ky. Acts ch. 87, sec. 1, effective June 8, 2011.

309.327 Use of titles -- Application and construction of KRS 309.325 to 309.339.

- (1) A person shall use the title "master licensed diabetes educator," "licensed diabetes educator," or "apprentice diabetes educator" or hold himself or herself out as a "master licensed diabetes educator," "licensed diabetes educator," or "apprentice diabetes educator" or a title substantially similar, or engage in the practice of diabetes

education, display a sign or in any other way advertise or present himself or herself as a person who practices diabetes education only if he or she holds a current, unsuspended and unrevoked license or permit issued by the board pursuant to KRS 309.325 to 309.339.

(2) Nothing in KRS 309.325 to 309.339 shall apply to persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes, including but not limited to physicians, nurses, pharmacists, dietitians, and nutritionists or students in accredited training programs in those professions, and nothing in KRS 309.325 to 309.339 shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which they hold themselves out to the public.

(3) Nothing in KRS 309.325 to 309.339 shall be construed to alter, amend, or interfere with the practice of those who provide health care services, including but not limited to physicians, nurses, pharmacists, dietitians, and nutritionists.

(4) Nothing in KRS 309.325 to 309.339 shall apply to activities and services of an accredited institution of higher education as part of a program of studies.

Effective: July 1, 2014

History: Amended 2013 Ky. Acts ch. 118, sec. 4, effective July 1, 2014. -- Amended 2012 Ky. Acts ch. 142, sec. 2, effective July 12, 2012. -- Created 2011 Ky. Acts ch. 87, sec. 2, effective June 8, 2011.

309.328 Penalty for violation of KRS 309.327(1).

Any person who violates KRS 309.327(1) shall be guilty of a Class A misdemeanor.

Effective: July 12, 2012

History: Created 2012 Ky. Acts ch. 142, sec. 3, effective July 12, 2012.

309.329 Kentucky Board of Licensed Diabetes Educators.

(1) There is hereby created the Kentucky Board of Licensed Diabetes Educators consisting of five (5) members who shall be appointed by the Governor as follows:

(a) One (1) member shall be a licensed medical physician with experience in the delivery of diabetes education appointed from a list of three (3) names submitted by the State Board of Medical Licensure;

(b) One (1) member shall be a registered nurse with experience in diabetes education appointed from a list of three (3) names submitted by the Kentucky Board of Nursing;

- (c) One (1) member shall be a pharmacist experienced in diabetes education, licensed under KRS Chapter 315, and appointed from a list of three (3) names submitted by the Kentucky Board of Pharmacy;
- (d) One (1) member shall be a licensed dietitian or certified nutritionist with experience in diabetes education appointed from a list of three (3) names submitted by the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists; and
- (e) One (1) member shall be a citizen at large who is not employed in the health care field.

One (1) of the members appointed under paragraph (b), (c), or (d) of this subsection shall have completed either the credentialing program of the American Association of Diabetes Educators or the National Certification Board for Diabetes Educators.

(2) (a) The Governor shall initially appoint one (1) member and the citizen at large to terms of four (4) years, two (2) members to terms of three (3) years, and one (1) member to a term of two (2) years.

(b) All reappointments to the board shall be for terms of four (4) years.

(c) No member shall serve more than two (2) consecutive terms and shall serve on the board until his or her successor is appointed.

(3) The board shall organize annually and elect one (1) of its members as chair and one (1) of its members as secretary. A quorum of the board shall consist of three (3) members. The board shall meet at least semiannually and upon the call of the chair, or at the request of two (2) or more members to the secretary of the board.

(4) The board shall be placed for administrative purposes under the Department of Professional Licensing of the Public Protection Cabinet.

Effective: April 11, 2017

History: Amended 2017 Ky. Acts ch. 178, sec. 21, effective April 11, 2017. -- Created 2011 Ky. Acts ch. 87, sec. 3, effective June 8, 2011.

309.331 Duties of board.

The board shall:

(1) Promulgate administrative regulations in accordance with KRS Chapter 13A to carry out and enforce KRS 309.325 to 309.339, including creating a code of ethics, standards of practice, and continuing education requirements for licensed diabetes educators, based upon policies and positions adopted by the American Association of Diabetes Educators;

(2) Issue initial licenses and license renewals to individuals. A license shall not be issued to a partnership, unincorporated association, corporation, or similar business organization;

(3) Investigate alleged violations brought to its attention, conduct investigations, and schedule and conduct administrative hearings in accordance with KRS Chapter 13B to enforce KRS 309.325 to 309.339 and administrative regulations promulgated pursuant to KRS 309.325 to 309.339. In conducting investigations, the board is authorized to:

(a) Administer oaths;

(b) Receive evidence;

(c) Interview persons;

(d) Require the production of books, papers, documents, or other evidence; and

(e) Institute civil and criminal proceedings against violators of KRS 309.325 to 309.339. The Attorney General, Commonwealth's attorneys, and county attorneys shall assist the board in prosecuting violations of KRS 309.325 to 309.339;

(4) Keep a record of its proceedings and a register of all persons licensed as diabetes educators, including the name of the licensee, the license number, date of issue, and last known place of business. The list shall be available to anyone upon request and payment of a fee not to exceed the cost of the publication;

(5) Collect or receive all moneys owed pursuant to KRS 309.333, 309.335, and 309.339 and deposit all moneys into the fund established by KRS 309.333; and

(6) Reimburse members of the board for actual travel expenses incurred for attending the meetings of the board.

Effective: June 8, 2011

History: Created 2011 Ky. Acts ch. 87, sec. 4, effective June 8, 2011

309.333 Revolving fund.

(1) All licensing amounts and other moneys received by the board pursuant to the provisions of this section and KRS 309.335 and 309.339 shall be deposited in the State Treasury to the credit of a revolving fund which is hereby established. Amounts in the fund shall be used for the purposes set forth in KRS 309.325 to 309.339.

(2) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year to be used for the purposes established by the board.

(3) Any interest earnings of the fund shall become part of the fund and shall not lapse.

(4) The expenses of the board shall be paid from this revolving fund.

(5) Moneys deposited in the fund shall be used and are hereby appropriated for the purposes specified in KRS 309.325 to 309.339.

Effective: June 8, 2011

History: Created 2011 Ky. Acts ch. 87, sec. 5, effective June 8, 2011.

309.334 Apprentice diabetes educator -- Administrative regulations.

(1) An applicant for a permit as an apprentice diabetes educator shall:

(a) File a written application on forms provided by the board in order to practice and earn the experience required for a type of license application;

(b) Engage in the practice of diabetes education while receiving qualifying experience with a board-approved supervisor who shall assume responsibility for and supervise the apprentice diabetes educator's practice;

(c) Not practice diabetes education until a supervisor has been approved by the board;

(d) Cease the practice of diabetes education immediately upon the supervisor's inability or unwillingness to act as the supervisor; and

(e) Upon gaining the required supervision hours and completing a board-approved diabetes educator course, apply for licensure as a licensed diabetes educator.

(2) The board shall promulgate administrative regulations to do the following, including but not limited to:

(a) Establish the duties of the apprentice diabetes educator supervisor;

(b) Establish fees; and

(c) Establish additional requirements for an apprentice diabetes educator permit as the board determines are necessary.

Effective: June 25, 2013

History: Created 2013 Ky. Acts ch. 118, sec. 2, effective June 25, 2013.

309.335 Diabetes educator license -- Requirements -- Renewal -- Issuance of license before July 1, 2014 -- Application for licensure before May 1, 2014.

(1) An applicant for licensure as a diabetes educator shall:

(a) File a written application on forms provided by the board;

(b) Provide evidence to the board showing successful completion of one (1) of the following:

1. A board-approved course in diabetes education with demonstrable experience in the care of people with diabetes under supervision that meets requirements specified in administrative regulations promulgated by the board;
2. The credentialing program of the American Association of Diabetes Educators or the National Certification Board for Diabetes Educators; or
3. An equivalent credentialing program as determined by the board; and

(c) Pay licensing amounts as promulgated by the board through administrative regulation, with the following restrictions:

1. Initial licensing shall not exceed one hundred dollars (\$100);
2. Annual renewal shall not exceed one hundred dollars (\$100);
3. Biennial renewal shall not exceed two hundred dollars (\$200);
4. Late renewal shall not exceed one hundred fifty dollars (\$150); and
5. The reinstatement fee shall not exceed two hundred twenty-five dollars (\$225).

(2) (a) Licenses or permits shall be renewed annually or biennially if the board requires biennial license renewal by administrative regulation.

(b) Licenses or permits not renewed within thirty (30) days after the renewal date shall pay a late penalty as promulgated by the board in administrative regulation.

(c) Licenses or permits not renewed within ninety (90) days of the renewal date shall lapse and may only be reinstated with payment of a reinstatement fee and initial licensing amount as promulgated by the board in administrative regulation.

(d) An apprentice diabetes educator shall not carry a permit for more than five (5) years without becoming licensed.

(3) Notwithstanding subsections (1) and (2) of this section, prior to July 1, 2014, a person who the board finds to have successfully achieved a core body of knowledge and skills in the biological and social sciences, communication, counseling, and education, by training or instruction, as well as experience in the care of people with diabetes under supervision that meets the requirements specified in administrative regulations promulgated by the board, may be issued an initial license by the board upon payment of an initial licensing fee, completion of a written application on forms provided by the board, and submission of any other information requested by the board.

(4) Until May 1, 2014, notwithstanding subsection (1) of this section, individuals who have practiced diabetes education for a minimum of one thousand (1,000) hours per year for the past three (3) years, but are not currently credentialed by the American Association of Diabetes Educators as a board-certified advanced diabetes manager or by the National Certification Board for Diabetes Educators as a certified diabetes educator, may apply to the board for licensure as a diabetes educator by submitting the initial licensure fee and proof of employment, in order to continue to practice diabetes education, as defined by KRS 309.325(2).

Effective: June 25, 2013

History: Amended 2013 Ky. Acts ch. 118, sec. 5, effective June 25, 2013. -- Created 2011 Ky. Acts ch. 87, sec. 6, effective June 8, 2011.

Legislative Research Commission Note. (6/8/2011). Under the authority of KRS 7.136(1), the Reviser of Statutes has changed the internal numbering of this statute from the way it appeared in 2011 Ky. Acts ch. 87, sec. 6, in order to correct a manifest clerical or typographical error. An internal reference was also changed to correspond to the new numbering system, but the words in the text were not changed

309.336 Master licensed diabetes educator -- Administrative regulations.

(1) An applicant for licensure as a master licensed diabetes educator shall:

(a) File a written application on forms provided by the board; and

(b) Provide proof of completion of the credentialing program of the American Association of Diabetes Educators or the National Certification Board for Diabetes Educators as a certified advanced diabetes manager or a certified diabetes educator.

(2) The board shall promulgate administrative regulations to do the following, including but not limited to:

(a) Establish a fee for licensure; and

(b) Establish additional requirements for a master licensed diabetes educator as the board determines are necessary.

Effective: June 25, 2013

History: Created 2013 Ky. Acts ch. 118, sec. 3, effective June 25, 2013.

309.337 Continuing education requirements.

(1) When renewing a license, each licensee shall provide to the board documentation of the successful completion of fifteen (15) hours of board-approved continuing education credits. A maximum of fifteen (15) additional hours may be carried over into the next renewal period.

(2) Waivers or extensions of continuing education may be approved at the discretion of the board.

Effective: June 8, 2011

History: Created 2011 Ky. Acts ch. 87, sec. 7, effective June 8, 2011.

309.339 Grounds for refusal to issue or renew a license, suspension or revocation of a license, administrative reprimand, probation, or fine -- Hearing.

(1) The board may deny or refuse to renew a license, may suspend or revoke a license, may issue an administrative reprimand, or may impose probationary conditions or fines not to exceed five hundred dollars (\$500) when the licensee has engaged in unprofessional conduct that has endangered or is likely to endanger the health, welfare, or safety of the public. Unprofessional conduct shall include the following:

- (a) Obtaining or attempting to obtain a license by fraud, misrepresentation, concealment of material facts, or making a false statement to the board;
- (b) Being convicted of a felony in any court if any act for which the licensee or applicant for license was convicted is determined by the board to have a direct bearing on whether the person is trustworthy to serve the public as a licensed diabetes educator, if in accordance with KRS Chapter 335B. "Conviction," as used in this paragraph, shall include a finding or verdict of guilty, an admission of guilt, or a plea of nolo contendere in a court of law;
- (c) Violating any lawful order or administrative regulation promulgated by the board;
- (d) Violating any provision of KRS 309.325 to 309.339 or administrative regulation promulgated by the board;
- (e) Evidence of gross negligence or gross incompetence in the practice of diabetes education; and
- (f) Violating the standards of practice or the code of ethics as promulgated by administrative regulations.

(2) All administrative hearings for the disciplinary action against a license or certificate holder shall be conducted in accordance with KRS Chapter 13B.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 158, sec. 44, effective June 29, 2017. -- Created 2011 Ky. Acts ch. 87, sec. 8, effective June 8, 2011.

KENTUCKY ADMINISTRATIVE REGULATIONS

General Government Cabinet Kentucky Board of Licensed Diabetes Educators

201 KAR 45:001. Definitions for 201 KAR Chapter 45.

RELATES TO: KRS 309.335

STATUTORY AUTHORITY: KRS 309.331, 309.335

NECESSITY, FUNCTION AND CONFORMITY: KRS 309.331 requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.330 to 309.339. This administrative regulation establishes the definitions for terms used in 201 KAR Chapter 45.

Section 1. Definitions. (1) "Apprentice diabetes educator" is defined by KRS 309.325(5).

(2) "Board" is defined by KRS 309.325(1).

(3) "Diabetes education" is defined by KRS 309.325(2).

(4) "Diabetes educator" means:

(a) A "licensed diabetes educator" as defined by KRS 309.325(3);

(b) A "master licensed diabetes educator" as defined by KRS 309.325(6); or

(c) An "apprentice diabetes educator" as defined in KRS 309.325(5).

(5) "Licensed diabetes educator" is defined by KRS 309.325(3).

(6) "Master licensed diabetes educator" is defined by KRS 309.325(6).

(7) "Supervisor" means a licensed diabetes educator as defined by KRS 309.325(3) in good standing, or a master licensed diabetes educator as defined by KRS 309.325(6) in good standing. (8) "Work experience":

(a)1. Means the hours spent performing the services, tasks, drafting documentation, and reports necessary for providing diabetes education to a person with diabetes or the caregiver of someone with diabetes; or

2. Means the hours spent interacting with a supervisor; and

(b) May include up to fifteen (15) hours of continuing education units as established in 201 KAR 45:130 per renewal period. (Amd 40 Ky.R. 183; 581; 788; eff. 11-1-2013—Amd 44 Ky.R. 2089, 2318; eff. 6-1-2018.)

201 KAR 45:100. Fees for licensure of diabetes educators.

RELATES TO: KRS 309.335

STATUTORY AUTHORITY: KRS 309.331, 309.335

NECESSITY, FUNCTION AND CONFORMITY: KRS 309.335 requires the board to promulgate an administrative regulation establishing the initial fee, annual fee, and late renewal fee for licensure as a diabetes educator. This administrative regulation establishes fees for licensure as a diabetes educator.

Section 1. Licensure Fee. The fee for licensure as a licensed diabetes educator, apprentice diabetes educator, or master licensed diabetes educator shall be fifty (50) dollars.

Section 2. Renewal and Reinstatement.

(1) The renewal date for all licenses issued by the board shall be November 1 of each calendar year.

(2) The fees established in paragraphs (a) through (c) of this subsection shall be paid for renewals and reinstatements for licenses and permits issued by the board.

(a) The renewal fee on or before November 1 shall be fifty (\$50) dollars annually.

(b) The renewal fee after November 1 but before December 31 shall be the licensure fee as set forth in Section 1 of this administrative regulation, plus a twenty (20) dollar late fee.

(c) The reinstatement fee after December 31 of an expired license due to failure to renew shall be \$120. (40 Ky.R. 185; 583; eff. 11-1-2013; 43 Ky.R. 1642; 1943; eff. 6-2-2017.)

201 KAR 45:110. Supervision and work experience.

RELATES TO: KRS 309.331

STATUTORY AUTHORITY: KRS 309.331(1), 309.334(2)(a)

NECESSITY, FUNCTION AND CONFORMITY: KRS 309.331(1) requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.325 to 309.339. KRS 309.334(2)(a) requires the board to promulgate administrative regulations to establish the duties of the apprentice diabetes educator supervisor. This administrative regulation establishes the amount of work experience required for licensure and the qualifications to be a supervisor.

Section 1. Accumulation of Work Experience. An apprentice diabetes educator shall accumulate at least 750 hours of supervised work experience within five (5) years from the date of application for licensure, of which 250 hours shall have been obtained within the last twelve (12) months preceding licensure application.

Section 2. Supervision.

(1)(a) The supervisor shall review the apprentice diabetes educator's provision of diabetes self-management education.

(b) The apprentice diabetes educator shall interact with the supervisor no less than two (2) hours quarterly, one (1) hour of which shall be while being physically present in the same room.

(c)1. Prior to the apprentice applying for licensure, the supervisor shall observe the apprentice providing diabetes education to a patient while the supervisor is physically present in the same room on at least two (2) separate occasions, for a combined total of at least four (4) hours, two (2) hours of which shall have occurred within the last twelve (12) months preceding licensure application.

2. The apprentice shall be responsible for obtaining any permissions, releases, or waivers required by law in order for the supervisor to observe the apprentice providing diabetes education to a patient.

(2) The hours of work experience and verification by the apprentice diabetes educator and supervisor shall be documented on the Application for Licensure, Form DE-01.

(3) A supervisor shall not serve as a supervisor for more than four (4) apprentice diabetes educators at a time.

(4) The supervision process shall focus on:

(a) Identifying strengths, developmental needs, and providing direct feedback to foster the professional development of the apprentice diabetes educator;

(b) Identifying and providing resources to facilitate learning and professional growth;

(c) Developing awareness of professional and ethical responsibilities in the practice of diabetes education; and

(d) Ensuring the safe and effective delivery of diabetes education services and fostering the professional competence and development of the apprentice diabetes educator.

Section 3. Documentation Requirements. The documentation required by the Supervised Work Experience Report, Form DE-05 shall be maintained for a period of five (5) years and provided to the board at the request of the board.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Licensure", Form DE-01, 09/2017; and

(b) "Supervised Work Experience Report", Form DE-05, 09/2016.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensed Diabetes Educators, , Department

of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m. (40 Ky.R. 187; 584; eff. 11-1-2013; 41 Ky.R. 88; 447; eff. 10-3-2014; 1705; eff. 4-3-2015; 43 Ky.R. 537; eff. 11-4-2016; 1643; 1944; eff. 6-2-2017; 44 Ky.R. 563; eff. 12-1-2017; TAm eff. 10-16-2020.)

201 KAR 45:120. Renewal, reinstatement, and inactive status.

RELATES TO: KRS 309.331, 309.334, 309.335

STATUTORY AUTHORITY: KRS 309.331(1), 309.335

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.331 requires the board to promulgate administrative regulations establishing procedures for annual renewal of licenses, and KRS 309.335(2)(c) requires the board to promulgate administrative regulations for reinstatement of licenses. This administrative regulation establishes procedures for annual renewal and reinstatement of licenses.

Section 1. Regular License Renewal.

(1) A licensed diabetes educator or master licensed diabetes educator shall submit to the board by November 1 of each year:

- (a) A completed Renewal Application, Form DE-02;
- (b) Proof of the required continuing education as set forth in 201 KAR 45:130; and;
- (c) The renewal fee as established in 201 KAR 45:100.

(2) If a license is not renewed by December 31 of the new licensure year, the license shall automatically expire.

Section 2. Reinstatement.

(1) An expired license or permit shall be reinstated upon the licensee or permit holder:

- (a) Submitting a completed Reinstatement Application, Form DE-08;
- (b) Paying the required fees established in 201 KAR 45:100; and
- (c) Submitting proof of completion of an amount of continuing education courses equivalent to the continuing education requirements as established in 201 KAR 45:130 for each year since the last date the license was active.

(2) An expired license or permit may be reinstated within five (5) years of the date of expiration.

Section 3. Inactive Status.

(1) A licensee or permit holder may place his or her license or permit in inactive status. To request that a license or permit be placed in inactive status, the licensee or permit holder shall submit written notice to the board prior to November 1.

(2)(a) An individual with an inactive license or permit shall not practice diabetes education while the license or permit is inactive.

(b) A licensee or permit holder may remain in inactive status for a maximum of five (5) years.

(3)(a) During the period of inactive status, the licensee or permit holder shall not be required to meet the annual continuing education requirements as established in 201 KAR 45:130.

(b) Upon the licensee's or permit holder's request for licensure reactivation, the licensee or permit holder shall provide proof of completion of an amount of continuing education courses equivalent to the continuing education requirements as established in 201 KAR 45:130 for each year the license was inactive, and payment of the fee as established in 201 KAR 45:100.

(4)(a) An individual shall submit in writing a request to the board to be placed back in active status.

(b) The request shall be submitted at least one (1) week in advance of the board's regularly scheduled board meeting.

Section 4. Regular Permit Renewal.

(1) An apprentice diabetes educator shall submit to the board by November 1 of each year:

(a) A completed Apprentice Renewal Application, Form DE-04;

(b) Proof of the required continuing education established in 201 KAR 45:130; and

(c) The renewal fee established in 201 KAR 45:100.

(2)(a) If a permit is not renewed by December 31, it shall automatically expire.

(b) A permit may be reinstated. Reinstatement shall comply with the requirements of section 2 of this administrative regulation.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Renewal Application", Form DE-02, 09/2017;
- (b) "Apprentice Renewal Application", Form DE-04, 09/2017; and
- (c) "Reinstatement Application," Form DE-08, 03/2017.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensed Diabetes Educators, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m. (40 Ky.R. 188; 586; 789; eff. 11-1-2013; 41 Ky.R. 89; 448; eff. 10-3-2014; 1707; 1979; eff. 4-3-2015; 2611; eff. 9-4-2015; 43 Ky.R. 1644; 1944; eff. 6-2-2017; 44 Ky.R. 565; eff. 12-1-2017; TAm eff. 10-16-2020.)

201 KAR 45:130. Continuing education.

RELATES TO: KRS 309.337, 309.339

STATUTORY AUTHORITY: KRS 309.331

NECESSITY, FUNCTION, AND CONFORMITY: 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.

Section 1. Accrual of Continuing Education Hours. (1)(a) The annual continuing education accrual period shall be from November 1 of each year to October 31 of the next year.

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

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

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

Section 2. Methods of Acquiring Continuing Education Hours. (1) Continuing education hours for license or permit renewal shall have a substantial emphasis on diabetes and be presented at a professional level that enhances the quality and effectiveness of diabetes self-management education.

(2) A licensee or permit holder shall obtain continuing education courses from any of the following continuing education providers or programs approved by the providers:

- (a) American Association of Diabetes Educators (AADE);
- (b) American Diabetes Association (ADA);

- (c) Academy of Nutrition and Dietetics (AND);
- (d) Accreditation Council for Pharmacy Education (ACPE);
- (e) Accreditation Council for Continuing Medical Education (ACCME-AMA);
- (f) American Nurses Credentialing Center (ANCC);
- (g) American Academy of Family Physicians (AAFP);
- (h) American Academy of Nurse Practitioners (AANP);
- (i) American Academy of Optometry (AAO);
- (j) American Academy of Physician Assistants (AAPA);
- (k) American Association of Clinical Endocrinologists (AACE);
- (l) American College of Endocrinology (ACE);
- (m) American College of Sports Medicine (ACSM);
- (n) American Medical Association (AMA) or its Kentucky affiliate;
- (o) American Nurses Association (ANA);
- (p) American Occupational Therapy Association (AOTA);
- (q) American Physical Therapy Association (APTA);
- (r) American Psychological Association (APA);
- (s) Commission on Dietetic Registration (CDR);
- (t) Council on Continuing Medical Education (CCME-AOA);
- (u) Council on Podiatric Medical Education (CPME-APMA);
- (v) International Diabetes Federation (IDF);
- (w) National Association of Clinical Nurse Specialists (NACNS);
- (x) National Association of Social Workers (NASW);
- (y) Kentucky Board of Nursing (KBN);
- (z) Kentucky Board of Pharmacy;
- (aa) Kentucky Board of Medical Licensure; or
- (bb) Kentucky Nurses Association (KNA).

Section 3. Recordkeeping of Continuing Education Hours. (1) A licensee or permit holder shall maintain a record of all continuing education courses attended for at least two (2) years after attending the course.

(2) Appropriate documentation to be kept shall include:

- (a) Proof of attendance;
- (b) Date of activity;
- (c) Description of activity;
- (d) Total hours of instruction, excluding breaks; and
- (e) Names and professional qualifications of the presenters.

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

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

Section 4. Reconsideration. (1) A licensee or permit holder may request the board to reconsider its denial of a continuing education course. The request shall be filed with the board in writing. (2)(a) A licensee or permit holder shall file the request for

reconsideration pursuant to KRS Chapter 13B within thirty (30) calendar days of notification of the denial.

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

Section 5. Auditing of Continuing Education. (1) During the annual renewal period, the board shall conduct a random audit of up to fifteen (15) percent of current licensees and permit holders.

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

(3) A licensee or permit holder who fails to comply with the audit request or the continuing education requirements shall be subject to disciplinary action. (40 Ky.R. 189; 587; 790; eff. 11- 1-2013; 42 Ky.R. 1918; 2474; eff. 4-1-2016; 43 Ky.R. 1646; 1945; eff. 6-2-2017; 47 Ky.R. 1251; eff. 6-16-2021.)

201 KAR 45:140. Code of ethics.

RELATES TO: KRS 309.331, 309.339

STATUTORY AUTHORITY: KRS 309.331

NECESSITY, FUNCTION AND CONFORMITY KRS 309.331(1) requires the board to promulgate a code of ethics for licensed diabetes educators. This administrative regulation establishes the required code of ethics.

Section 1. Responsibility to Patients.

(1) A diabetes educator shall:

(a) Provide services with respect for the uniqueness, dignity, and autonomy of each individual; and

(b) Advance and protect the welfare of the patient.

(2) A diabetes educator shall not recommend the use of a specific product or service based solely on the educator's relationship with the manufacturer of the product or provider of the service.

Section 2. Confidentiality A diabetes educator shall respect and guard the confidences of each patient, maintaining all records according to state and federal law.

(1) A diabetes educator shall not disclose a patient confidence except:

(a) As mandated or permitted by law;

(b) If the diabetes educator is a defendant in a civil, criminal, or disciplinary action arising from services provided, confidences may be disclosed only in the course of that action; or

(c) If a waiver has been obtained in writing, confidential information shall be revealed only in accordance with the terms of the waiver.

(2) A diabetes educator may use patient or clinical materials in teaching, writing, and public presentations if:

(a) A written waiver has been obtained in accordance with subsection (1)(c) of this section; or

(b) Appropriate steps have been taken to protect patient identity and confidentiality.

Section 3. Professional Competence and Integrity. A diabetes educator shall maintain standards of professional competence and integrity and hold himself or herself out in a manner that demonstrates honesty, integrity, and fairness and shall be subject to disciplinary action for:

(1) Having been subject to disciplinary action by another regulatory agency;

(2) Impairment due to mental incapacity or the abuse of substances which negatively impacts the practice of diabetes education;

(3) Conviction, as used in KRS 309.339, of a felony or a misdemeanor;

(4) Refusing to comply with an order or request from the board;

(5) Failure to cooperate with the board by not:

(a) Furnishing in writing a complete explanation to a complaint filed with the board;
or

(b) Appearing before the board at the time and place designated; or

(6) Failure to provide the board with new contact information within thirty (30) business days the changes is effective.

Section 4. Supervisor's Responsibility. A supervisor shall not permit an apprentice diabetes educator under the supervisor's supervision to hold himself or herself out as competent to perform professional services beyond the apprentice's level of training, experience, and competence. A supervisor shall promptly notify the board in writing if an apprentice diabetes educator under the supervisor's supervision holds himself or herself out as competent to perform professional services beyond the apprentice's level of training, experience, and competence.

Section 5. Diabetes Educator's Responsibility. A diabetes educator shall not represent that he or she is competent to perform professional services beyond his or her level of training, experience, and competence.

Section 6. Financial Arrangements.

(1) A diabetes educator shall make financial arrangements with a patient, apprentice diabetes educator, or third party payor that are reasonably understandable and conform to accepted professional practices.

(2) A diabetes educator shall:

(a) Not offer or accept payment for referrals;

(b) Not charge excessive fees for services;

(c) Disclose his or her fees to patients at the beginning of services; and

(d) Represent facts truthfully to patients and third party payors regarding services rendered.

Section 7. Advertising. A diabetes educator shall:

(1) Accurately represent his or her education, training, and experience relevant to the practice of diabetes education;

(2) Not make false, fraudulent, misleading, or deceptive claims or any statement intended to or likely to create an unjustified expectation.

Section 8. Board Member Responsibilities.

(1) A board member shall recuse himself or herself in matters in which:

(a) The board member is the supervisor of the apprentice diabetes educator at issue; and

(b) The board member will be providing a course in diabetes education pursuant to KRS 309.335(1)(b)1.

(2) A board member shall not receive compensation for providing a board-approved course in diabetes education pursuant to KRS 309.335(1)(b)1. that is excessive. (40 Ky.R. 191; 588; eff. 11-1-2013; Crt eff. 10-27-2020.)

201 KAR 45:150. Complaint procedures.

RELATES TO: KRS 309.335

STATUTORY AUTHORITY: KRS 309.331, 309.335

NECESSITY, FUNCTION AND CONFORMITY: KRS 309.331 requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.330 to 309.339. This administrative regulation provides for the complaint procedures to be used by the board in the enforcement of those statutes and administrative regulations promulgated thereunder.

Section 1. Definitions.

- (1) "Board" is defined by KRS 309.325(1).
- (2) "Charge" means a specific allegation contained in any document issued by the board alleging a violation of a specified provision of KRS 309.325 through 309.339.
- (3) "Complaint" means a written complaint alleging a violation of KRS 309.325 through 309.339.
- (4) "Complainant" means a person who files a complaint pursuant to this administrative regulation.
- (5) "Formal complaint" means a formal administrative pleading authorized by the board that establishes a charge against a licensee or applicant and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B.

Section 2. Complaints. A complaint:

- (1) Shall be submitted by completing a "Complaint Form", Form DE-06 and signed by the person offering the complaint; or
- (2) May be filed by the board based upon information in its possession.

Section 3. Receipt of Complaints.

- (1) A copy of the complaint shall be mailed to the individual named in the complaint along with a request for that individual's response to the complaint.
- (2) The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written response to the board.
- (3) Upon receipt of the written response of the individual named in the complaint, a copy of the response shall be sent to the complainant.

(4) The complainant shall have seven (7) days from receipt to submit a written reply to the response to the board.

Section 4. Initial Review.

(1)(a) After the receipt of the complaint and the expiration of the period for the individual response, the board shall consider the individual's response, complainant's reply to the response, and any relevant material available.

(b) The names of the individuals and other identifying information shall be redacted to provide anonymity.

(c) The board shall determine whether there is enough evidence to warrant a formal investigation of the complaint.

(2) If the board determines before formal investigation that a complaint is without merit, it shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a complaint warrants a formal investigation, it shall conduct a formal investigation into the matter.

Section 5. Results of Formal Investigation; Board Decision on Hearing.

(1) Upon completion of the formal investigation, the board shall determine whether there has been a prima facie violation of KRS 309.325 to 309.339 or the administrative regulations promulgated thereunder. If so, a formal complaint shall be filed.

(2) If the board determines that a complaint does not warrant the issuance of a formal complaint, it shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a violation has occurred but is not serious, the board shall issue a written admonishment to the license holder.

(a) A copy of the written admonishment shall be placed in the permanent file of the license holder.

(b) The license holder shall have the right to file a response in writing to the admonishment within thirty (30) days of its receipt and may have it placed in the license holder's permanent file.

(c) Alternatively, the license holder may file a request for a hearing with the board within thirty (30) days of the admonishment.

(d) Upon receipt of the request, the board shall set aside the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.

(4)(a) If the board determines that a complaint warrants the issuance of a formal complaint against the license holder, the board or its counsel shall prepare a formal complaint that states clearly the charge or charges to be considered at the hearing.

(b)1. The formal complaint shall be reviewed by the board and, if approved, signed by the chair and served upon the individual as required by KRS Chapter 13B.

2. The formal complaint shall be processed in accordance with KRS Chapter 13B.

Section 6. Settlement by Informal Proceedings.

(1) The board, through counsel, may enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.

(2) An agreed order or settlement reached through this process shall be approved by the board and signed by the chair and the individual who is the subject of the complaint.

(3) The board may employ mediation as a method of resolving the matter informally.

Section 7. Incorporation by Reference.

(1) "Complaint Form", Form DE-06, 06/2013, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensed Diabetes Educators, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m. (40 Ky.R. 192, 590, 790; eff. 11-1-2013; TAm eff.10-16-2020; Crt. eff. 10-27-2020.)

201 KAR 45:160 Scope of practice.

RELATES TO: KRS 309.331, 309.339

STATUTORY AUTHORITY: KRS 309.331

NECESSITY, FUNCTION AND CONFORMITY: KRS 309.331 requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.325 to 309.339. This administrative regulation establishes the functions that a diabetes educator may perform.

Section 1. A person holding a license or a permit from the board may perform the following functions:

- (1) Provide education and support for people with diabetes, people at risk for diabetes, and caregivers of those with diabetes;
- (2) Communicate and coordinate with other health care professionals to provide education and support for people with diabetes, people at risk for diabetes, and caregivers of those with diabetes;
- (3) Provide diabetes self-management services, including activities that assist a person in implementing and sustaining the behaviors needed to manage diabetes on an ongoing basis;
- (4) Determine the persons to whom diabetes education and services will be provided, how those education and services may be best delivered, and what resources will assist those per-sons;
- (5) Develop a program for diabetes management, which may include:
 - (a) Describing the diabetes treatment process and treatment options;
 - (b) Incorporating nutritional management into lifestyle;
 - (c) Incorporating physical activity into lifestyle;
 - (d) Using medications safely and effectively;
 - (e) Monitoring blood glucose and other parameters and interpreting and using the results for self-management and decision making;
 - (f) Preventing, detecting, and treating acute and chronic complications of diabetes;
 - (g) Developing personal strategies to address psychosocial issues and concerns; or
 - (h) Developing personal strategies to promote health and behavior change;

- (6) Develop an individualized education and support plan focused on behavior change, which shall be documented in an education or health record;
- (7) Develop a personalized follow-up plan for ongoing self-management support, and communicate that follow-up plan to other health care providers as necessary;
- (8) Monitor if participants are achieving their personal diabetes self-management goals and other outcomes using the following appropriate frameworks and measurement techniques:
 - (a) Physical activity;
 - (b) Healthy eating;
 - (c) Taking medication;
 - (d) Monitoring blood glucose;
 - (e) Diabetes self-care related problem solving;
 - (f) Reducing risks of acute and chronic complications of diabetes;
 - (g) Evaluation of the psychosocial aspects of living with diabetes; or
- (9) Evaluate the effectiveness of the education and services, and engage in a systematic review of process and outcome data. (40 Ky.R. 194; 591; 791; eff. 11-1-2013; Crt eff. 10-27-2020.)

201 KAR 45:170. Application procedures.

RELATES TO: KRS 309.331, 309.334, 309.335, 309.336, 335B.030

STATUTORY AUTHORITY: KRS 309.331(1), 309.334(2)(c), 309.335(1)(b)1., 309.336(2)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.331(1) requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.325 to 309.339. KRS 309.335(1)(b)1. requires an applicant for licensure as a licensed diabetes educator to file an application as provided by the board, to show successful completion of a course or program as determined by the board, and to demonstrate experience in the care of people with diabetes under supervision that meets requirements specified in administrative regulations promulgated by the board. KRS 309.334(2)(c) requires the board to establish additional requirements to apply for an apprentice diabetes educator permit, and KRS 309.336(2)(b) requires the board to establish additional requirements to apply for licensure as a master licensed diabetes educator. This administrative regulation establishes application procedures for licensed diabetes educators, master licensed diabetes educators, and apprentice diabetes educators.

Section 1. Licensed Diabetes Educator Application Procedures.

(1) An applicant for licensure as a licensed diabetes educator pursuant to KRS 309.335(1)(b)1. shall submit to the board:

(a) A completed Application for Licensure, Form DE-01, incorporated by reference in 201 KAR 45:110, including documentation verifying completion of 750 hours of work experience as an apprentice diabetes educator under a supervisor as provided in 201 KAR 45:110; and

(b) Payment of the licensure fee as established in 201 KAR 45:100.

(2) An applicant for licensure as a licensed diabetes educator pursuant to KRS 309.335(1)(b)2. shall submit to the board:

(a) Evidence showing successful completion of the credentialing program of the American Association of Diabetes Educators or the National Certification Board for Diabetes Educators; and

(b) Payment of the licensure fee as established in 201 KAR 45:100.

(3) An applicant for licensure as a licensed diabetes educator pursuant to KRS 309.335(1)(b)3. shall submit to the board:

(a) Evidence showing the successful completion of an equivalent credentialing program; and

(b) Payment of the licensure fee as established in 201 KAR 45:100.

Section 2. Master Licensed Diabetes Educator Application Procedures. An applicant for licensure as a master licensed diabetes educator shall submit to the board:

(1) A completed Application for Licensure, Form DE-01;

(2) Proof of completion of the credentialing program of the American Association of Diabetes Educators or the National Certification Board for Diabetes Educators in Board Certified Advanced Diabetes Management or as a Certified Diabetes Educator; and

(3) Payment of the licensure fee as established in 201 KAR 45:100.

Section 3. Apprentice Diabetes Educator Application Procedures. An applicant for an apprentice diabetes educator permit shall submit to the board:

(1) A completed Application for Apprentice Diabetes Educator Permit, Form DE-03;

- (2) Payment of the licensure fee as established in 201 KAR 45:100; and
- (3) Proof of an active license or certification in good standing as at least one (1) of the following:
- (a) American College of Sports Medicine Certified Clinical Exercise Specialist or Registered Clinical Exercise Physiologist;
 - (b)1. Certified social worker or licensed clinical social worker pursuant to KRS Chapter 335; and

2. The applicant shall also have at least two (2) years of experience in a health profession;
 - (c) Dietitian pursuant to KRS Chapter 310;
 - (d) Health educator holding active certification as a master certified health education specialist with the National Commission on Health Education Credentialing;
 - (e) Nutritionist pursuant to KRS Chapter 310;
 - (f) Occupational therapist pursuant to KRS Chapter 319A;
 - (g) Optometrist pursuant to KRS Chapter 320;
 - (h) Osteopath pursuant to KRS Chapter 311;
 - (i) Pharmacist pursuant to KRS Chapter 315;
 - (j) Physical therapist pursuant to KRS Chapter 327;
 - (k) Physician pursuant to KRS Chapter 311;
 - (l) Physician assistant pursuant to KRS Chapter 311;
 - (m) Podiatrist pursuant to KRS Chapter 311;
 - (n) Psychologist pursuant to KRS Chapter 319;
 - (o) Registered nurse pursuant to KRS Chapter 314; or
 - (p) A license or certification from a state or the District of Columbia equivalent to one (1) of the licenses or certifications listed in this subsection.

(4) The board shall not consider an applicant for an apprentice diabetes educator permit who does not hold an active license or certification as listed in subsection (3) of this section.

(5) An applicant for an apprentice diabetes educator permit shall include the Supervised Work Experience Report, Form DE-05, incorporated by reference in 201 KAR 45:110.

Section 4. Applications involving prior convictions of a crime.

(1) If the board considers denying an application based solely on an applicant's prior conviction of a crime, the board, pursuant to KRS 335B.030(2), shall:

(a) Provide the applicant with written notice that the board has determined that the prior conviction may disqualify the applicant for a license or permit, and demonstrates the connection between the prior conviction and the license or permit being sought; and

(b) Afford the applicant an opportunity to be personally heard before the board prior to the board making a decision on whether to disqualify the applicant.

(2) If the board resolves to deny an application based solely on an applicant's prior conviction of a crime after complying with the procedures in Section 4(1) of this administrative regulation, the board, pursuant to KRS 335B.030(2), shall notify the applicant in writing of:

(a) The grounds and reasons for the denial or disqualification;

(b) That the applicant has a right to a hearing conducted in accordance with KRS Chapter 13B, if a written request for a hearing is made within ten (10) days after service of notice;

(c) The earliest date the applicant may reapply for a license or permit; and

(d) That evidence of rehabilitation may be considered upon reapplication.

Section 5. Incorporation by Reference.

(1) "Application for Apprentice Diabetes Educator Permit", Form DE-03, 08/2014, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensed Diabetes Educators, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m. (41 Ky.R. 211; Am. 448; eff. 10-3-2014;

2612; 42 Ky.R. 276; eff. 9-4-2015; 44 Ky.R. 566, 921; eff. 12-1-2017; TAm eff. 10-16-2020.)

201 KAR 45:180. Diabetes Education Courses.

RELATES TO: KRS 309.331

STATUTORY AUTHORITY: KRS 309.331(1), 309.335

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.331(1) requires the board to promulgate administrative regulations for the administration and enforcement of KRS 309.325 to 309.339. KRS 309.335(1)(b)1. requires the board to promulgate administrative regulations specifying requirements for the board-approved course in diabetes education. This administrative regulation establishes the requirements and procedures for the board-approved course in diabetes education.

Section 1. The American Association of Diabetes Educators Core Concepts Course shall constitute a board-approved course in diabetes education.

Section 2. A person may petition the board to approve another course in diabetes education that is substantially equivalent to the American Association of Diabetes Educators Core Concepts Course by submitting to the board a completed Application for KBLDE Board Approved Course, Form DE-07. The application form shall be accompanied by:

- (1) A thorough course description;
- (2) A statement of the learning objectives;
- (3) A statement of the target audience;
- (4) The content focus of the course;
- (5) A detailed agenda for the activity;
- (6) The number of contact hours requested;
- (7) The qualifications required for presenters; and
- (8) A sample of the certificate of completion awarded to successful attendees.

Section 3. Incorporation by Reference.

- (1) "Application for KBLDE Board Approved Course", Form DE-07, 08/2014 is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensed Diabetes Educators, Department of Professional Licensing, 500 Mero Street, 2SC32, Frankfort, Kentucky 40601 Monday through Friday, 8 a.m. to 5 p.m. (41 Ky.R. 213; Am. 449; eff. 10-3-2014; TAm eff. 10-16-2020; Cert. eff. 9-22-2021.)