

1 BOARDS AND COMMISSIONS

2 Board of Licensed Diabetes Educators

3 (Amendment)

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 pro-
8 vide documentation of the successful completion of board-approved continuing education credits
9 and 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. (1)(a) The annual continuing education
14 accrual period shall be from November 1 of each year to October 31 of the next year.

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

17 (2) No more ~~[More]~~ than fifteen (15) hours of continuing education shall ~~[not]~~ be carried over
18 into the next continuing education period.

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

20 Section 2. Methods of Acquiring Continuing Education Hours. (1) Continuing education
21 hours for license or permit renewal shall have a substantial emphasis on ~~[be applicable to]~~ diabe-

1 tes and be presented at a professional level that enhances the quality and effectiveness of diabe-
2 tes self-management education.

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

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

- 1 (t) Council on Continuing Medical Education (CCME-AOA);
- 2 (u) Council on Podiatric Medical Education (CPME-APMA);
- 3 (v) International Diabetes Federation (IDF);
- 4 (w) National Association of Clinical Nurse Specialists (NACNS);
- 5 (x) National Association of Social Workers (NASW);
- 6 (y) Kentucky Board of Nursing (KBN);
- 7 (z) Kentucky Board of Pharmacy;
- 8 (aa) Kentucky Board of Medical Licensure; or
- 9 (bb) Kentucky Nurses Association (KNA).

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

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

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

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

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

23 Section 4. Reconsideration. (1) A licensee or permit holder may request the board to recon-

1 sider its denial of a continuing education course. The request shall be filed with the board in writ-
2 ing.

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

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

6 Section 5. Auditing of Continuing Education. (1) During the annual renewal period, [~~In Janu-~~
7 ~~ary following the renewal period,~~] the board shall [~~annually~~] conduct a random audit of up to fif-
8 teen (15) percent of current licensees and permit holders. [~~from the renewal period.~~]

9 (2) Each licensee or permit holder selected for audit shall submit documentation of comple-
10 tion of continuing education units from the current license year [~~preceding renewal period~~] to the
11 board [~~within forty five (45) days of the date of the request.~~] no later than the end of the current
12 license period.

13 (3) A licensee or permit holder who fails to comply with the audit request or the continuing
14 education requirements shall be subject to [~~the~~] disciplinary action. [~~established in this subsec-~~
15 ~~tion.~~

16 —(a) ~~For the first offense, the licensee or permit holder shall be fined fifty (50) dollars. The li-~~
17 ~~icensee or permit holder shall and be subject to audit after the next renewal period.~~

18 —(b) ~~For the second offense, the licensee or permit holder's license or permit shall be suspended~~
19 ~~for thirty (30) days.~~

20 —1. ~~The licensee or permit holder shall have thirty (30) days to submit proof of completion of~~
21 ~~the continuing education requirements established in Section 1 of this administrative regulation.~~

22 —2. ~~If the licensee or permit holder does not comply with subparagraph 1. of this paragraph, the~~
23 ~~licensee or permit holder's license or permit shall expire.]~~

201 KAR 45:130

APPROVED BY AGENCY:



Kristen Stakelin, Board Chair
Kentucky Board of Licensed Diabetes Educators

November 10, 2020
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held at 10:00 am on Thursday, January 28, 2020, in Room 127 CW of the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. At the time of filing this proposed administrative regulation, all state government offices are closed to in-person services because of the COVID-19 pandemic. The physical location listed in this notice is a state government office, and the public hearing will be held at this location if the location is open to in-person services by the date shown above, but if the location is closed to in-person services on that date then the public hearing shall be held by video teleconference at the same date and time shown above. In the event the public hearing is held by video teleconference, members of the public wishing to attend may utilize the following link:

Join from PC, Mac, Linux, iOS or Android:

<https://us02web.zoom.us/j/82387351704?pwd=Y29hRkkyS3RCOWNpZjkwS1F3ZUI4UT09>

Password: 861138

Or Telephone:

Dial:

USA 713 353 0212

USA 8888227517 (US Toll Free)

Conference code: 639497

Find local AT&T Numbers:

<https://www.teleconference.att.com/servlet/glbAccess?process=1&accessNumber=7133530212&accessCode=639497>

Or an H.323/SIP room system:

H.323:

162.255.37.11 (US West)

162.255.36.11 (US East)

Meeting ID: 823 8735 1704

Password: 861138

SIP: 82387351704@zoomcrc.com

Password: 861138

Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM EST on January 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

Contact Person: Leah Cooper Boggs

Title: Executive Advisor

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Email: LBoggs@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 45:130

Contact Person: Leah Cooper Boggs

Phone Number: 502-352-8095

Email: lboggs@ky.gov

(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 proposed regulation expands the period of time in which the Board can audit the continuing education completed by the licensees.

(b) The necessity of the amendment to this administrative regulation: This administrative regulation is necessary because as currently stated, the Board does not have enough time to complete the statutorily required audit process.

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

(d) How the amendment will assist in the effective administration of the statutes: The proposed regulation expands the period of time in which the Board can audit the continuing education completed by the licensees.

(3) 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 356 licensees and permit holders.

(4) 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: None. It only changes the time period the Board has to audit the continuing education requirements completed by its licensees.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no expected expenditures because of this administrative regulation. Current staff will implement the provisions once promulgated.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): It will give the Board adequate time to audit the completed continuing education requirements of its licensees.

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

(a) Initially: None. Current staff and agency funds will provide implementation.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current Board funding will be used to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional funding or increase in fees is needed.

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

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

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 201 KAR 45:130

Contact Person: Leah Cooper Boggs

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Email: lboggs@ky.gov

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

2. Identify each state or 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.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. The administrative regulation should not create any additional expenses or revenues for any state or local government agency after implementation. It is only changing the time period allowed for the Board to audit the completed continuing education of its licensees.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fires, or school districts) for the first year? No revenues are expected to be generated by the provisions of this administrative regulation.

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

(c) How much will it cost to administer this program for the first year? There are no additional costs.

(d) How much will it cost to administer this program for subsequent years? See 3.(c).

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation: