

**LAWS AND REGULATIONS RELATING TO  
LICENSURE AS A LONG-TERM CARE ADMINISTRATOR**



Published By  
The Kentucky Board Licensure for  
Long-term Care Administrators  
P.O. Box 1360  
Frankfort, KY 40602  
<http://ltca.ky.gov>

November 2013 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 profession, please visit <http://lrc.ky.gov>.

# TABLE OF CONTENTS

## KENTUCKY REVISED STATUTES

KRS 316A.010	Definitions.....	1
KRS 216A.020	Short title.....	1
KRS 216A.030	Supervision and License required.....	2
KRS 216A.040	Kentucky Board of Licensure for Nursing Home Administrators – Membership.....	2
KRS 216A.045	Repealed	2
KRS 216A.050	Terms of board members – Consecutive terms restricted.....	3
KRS 216A.060	Officers – Meetings – Quorum – Technical advisory committees – Compensation.....	3
KRS 216A.070	Duties and powers of board.....	3
KRS 216A.080	Requirements for issuance of license.....	4
KRS 216A.090	Renewal of license.....	5
KRS 216A.100	Repealed.....	5
KRS 216A.110	Fees and charges.....	5
KRS 216A.120	Repealed.....	5
KRS 216A.130	Reciprocity.....	5
KRS 216A.140	Appeal.....	6
KRS 216A.150	Violations.....	6
KRS 216A.990	Penalties.....	7

## KENTUCKY ADMINISTRATIVE REGULATIONS

201 KAR 6:020	Other requirements for licensure.....	8
201 KAR 6:030	Temporary permits.....	8
201 KAR 6:040	Renewal of license.....	9
201 KAR 6:050	Licensure by endorsement.....	10
201 KAR 6:060	Fees.....	10
201 KAR 6:070	Continuing education requirements.....	11
201 KAR 6:080	Code of ethics.....	14
201 KAR 6:090	Complaint management process.....	16

## KENTUCKY REVISED STATUTES

### 216A.010 Definitions.

As used in this chapter:

- (1) "Board" means the Kentucky Board of Licensure for Long-term Care Administrators established in KRS 216A.040;
- (2) "Cabinet" means the Cabinet for Health and Family Services;
- (3) "Long-term care administrator" means any individual responsible for planning, organizing, directing, and controlling the operation of a licensed long-term care facility, or who in fact performs those functions, whether or not those functions are shared by one (1) or more other persons;
- (4) "Long-term care facility" means a health care facility which is defined by the cabinet to be an intermediate care facility, skilled-nursing facility, nursing facility in accordance with Pub. L. No. 100-203, nursing home, or intermediate care facility for individuals with an intellectual or developmental disability; and
- (5) "Resident" means any person who is admitted to a long-term care facility.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 129, sec. 1, effective July 12, 2012; and ch. 158, sec. 55, effective July 12, 2012. -- Created 1970 Ky. Acts ch. 276, sec. 2.

**Legislative Research Commission Note (7/12/2012).** This statute was amended by 2012 Ky. Acts chs. 129 and 158, which do not appear to be in conflict and have been codified together. The amendments are identical, except that in subsection (1), ch. 129 refers to KRS 216A.040 ("Section 4 of this Act") and ch. 158 refers to KRS 216A.030 ("Section 57 of this Act"). It is clear from the context that the reference in both bills is intended to be to KRS 216A.040, and the Reviser of Statutes has corrected this manifest clerical or typographical error under KRS 7.136(1).

**Legislative Research Commission Note (7/12/2012).** 2012 Ky. Acts ch. 146, sec. 144, directs the Reviser of Statutes to replace references in the statutes to "mentally retarded" with "individuals with an intellectual disability." A reference in 2012 Ky. Acts ch. 129, sec. 1(4) (this statute), to "the mentally retarded and developmentally disabled" has been changed in codification to "individuals with an intellectual or developmental disability" to comply with the directive in 2012 Ky. Acts ch. 146 and usage found elsewhere in the statutes.

### 216A.020 Short title.

This chapter may be cited as the "Kentucky Long-term Care Administrators Licensure Act of 2012."

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 129, sec. 2, effective July 12, 2012; and ch. 158, sec. 56, effective July 12, 2012. -- Created 1970 Ky. Acts ch. 276, sec. 1.

**Legislative Research Commission Note (7/12/2012).** This statute was amended by 2012 Ky. Acts chs. 129 and 158, which do not appear to be in conflict and have been codified together.

### **216A.030 Supervision and license required.**

No licensed long-term care facility shall operate except under the supervision of a long-term care administrator, unless approved by the board through administrative regulation, and no person shall be a long-term care administrator unless he or she is the holder of a long-term care administrator's license issued pursuant to this chapter.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 129, sec. 3, effective July 12, 2012; and ch. 158, sec. 57, effective July 12, 2012. -- Created 1970 Ky. Acts ch. 276, sec. 3.

**Legislative Research Commission Note (7/12/2012).** This statute was amended by 2012 Ky. Acts chs. 129 and 158, which do not appear to be in conflict and have been codified together.

### **216A.040 Kentucky Board of Licensure for Long-term Care Administrators -- Membership.**

There shall be a Kentucky Board of Licensure for Long-term Care Administrators located within the Public Protection Cabinet for administrative and budgetary purposes. The board shall be composed of ten (10) members. The secretary of the Cabinet for Health and Family Services, or his or her designee, shall be an ex officio member of the board. The other members of the board shall be appointed by the Governor. One (1) member shall be a practicing hospital administrator, to be appointed from a list of two (2) names submitted by the Kentucky Hospital Association. One (1) member shall be a practicing medical physician, to be appointed from a list of two (2) names submitted by the Kentucky State Medical Association. One (1) member shall be an educator in the field of allied health services. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. One (1) member shall be a practicing long-term care administrator appointed from a list of two (2) names submitted by LeadingAge Kentucky. The other four (4) members shall be practicing long-term care administrators appointed from a list of two (2) names for each vacancy submitted by the Kentucky Association of Health Care Facilities and duly licensed under this chapter. No person who has been disciplined in the previous five (5) years by the board, or by another state's board of licensure governing the same profession, shall be appointed to the board.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 129, sec. 4, effective July 12, 2012; and ch. 158, sec. 58, effective July 12, 2012. -- Amended 2005 Ky. Acts ch. 99, sec. 503, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 447, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 259, sec. 3, effective July 14, 1992. -- Amended 1976 Ky. Acts ch. 206, sec. 2. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 83. -- Created 1970 Ky. Acts ch. 276, sec. 4.

**Legislative Research Commission Note (7/12/2012).** This statute was amended by 2012 Ky. Acts chs. 129 and 158, which do not appear to be in conflict and have been codified together.

### **216A.045 Repealed, 2010.**

**Catchline at repeal:** Board placed in Division of Occupations and Professions.

**History:** Repealed 2010 Ky. Acts ch. 24, sec. 1936, effective July 15, 2010. -- Amended 2009 Ky. Acts ch. 12, sec. 47, effective June 25, 2009. -- Created 1974 Ky. Acts ch. 74, Art. VI, sec. 12(1).

**216A.050 Terms of board members -- Consecutive terms restricted.**

The term of office of each member shall be four (4) years or until a successor is appointed and qualified. No appointive member shall serve more than two (2) full consecutive terms.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 129, sec. 5, effective July 12, 2012; and ch. 158, sec. 59, effective July 12, 2012. -- Created 1970 Ky. Acts ch. 276, sec. 5.

**Legislative Research Commission Note (7/12/2012).** This statute was amended by 2012 Ky. Acts chs. 129 and 158, which do not appear to be in conflict and have been codified together.

**216A.060 Officers -- Meetings -- Quorum -- Technical advisory committees -- Compensation.**

- (1) The board shall elect annually from its membership a chair and vice chair. The board shall hold three (3) or more meetings each year. At any meeting a majority of the appointed members with unexpired terms shall constitute a quorum. The board may procure specialized consultation through the formation of such technical advisory committees as it may deem necessary in the execution of its responsibilities.
- (2) Members of the board shall receive per diem compensation to be established by administrative regulation. This compensation shall not exceed one hundred twenty dollars (\$120) per day. Members shall be reimbursed for actual and necessary expenses.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 129, sec. 6, effective July 12, 2012; and ch. 158, sec. 60, effective July 12, 2012. -- Amended 1978 Ky. Acts ch. 154, sec. 18, effective June 17, 1978. -- Created 1970 Ky. Acts ch. 276, sec. 6.

**Legislative Research Commission Note (7/12/2012).** This statute was amended by 2012 Ky. Acts chs. 129 and 158, which do not appear to be in conflict and have been codified together.

**216A.070 Duties and powers of board.**

- (1) The board shall:
  - (a) Develop, impose, and enforce standards which must be met by individuals in order to receive a license as a long-term care administrator, which standards shall be designed to ensure that long-term care administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators;
  - (b) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets the standards;
  - (c) Issue licenses to individuals determined, after application of appropriate techniques, to meet established standards;

- (d) Establish and carry out procedures designed to ensure that individuals licensed as long-term care administrators will, during any period that they serve as such, comply with the requirements of the standards;
  - (e) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of the standards; and
  - (f) Apply commensurate disciplinary action, following a hearing pursuant to KRS Chapter 13B, including permanent license revocation, suspension, or placement of probationary conditions on the licensee, issuance of a fine not to exceed two thousand dollars (\$2,000) per violation, or admonishing the licensee.
- (2) The board or any committee or member thereof or any hearing officer designated by the board, acting in an official capacity, shall have the authority to conduct administrative hearings in accordance with KRS Chapter 13B concerning all matters within the jurisdiction of the board.
  - (3) The board shall also have the authority to promulgate administrative regulations necessary for the proper performance of its duties, and to take other actions necessary to enable the state to meet the requirements set forth in Section 1908 of the Social Security Act, the federal rules and regulations promulgated thereunder, and other pertinent federal authority or amendment thereto.
  - (4) The board may, when emergency conditions warrant, as determined by the board, authorize the issuance of a temporary permit to an individual to practice the art of long-term care administration if it finds the authorization will not endanger the health and safety of the occupants of the licensed long-term care facility. A temporary permit shall be valid for a period determined by the board not to exceed six (6) months and shall not be renewed. The fee for a temporary permit shall be determined by regulations of the board.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 129, sec. 7, effective July 12, 2012; and ch. 158, sec. 61, effective July 12, 2012. -- Amended 1996 Ky. Acts ch. 318, sec. 120, effective July 15, 1996. -- Created 1970 Ky. Acts ch. 276, sec. 7.

**Legislative Research Commission Note (7/12/2012).** This statute was amended by 2012 Ky. Acts chs. 129 and 158, which do not appear to be in conflict and have been codified together.

#### **216A.080 Requirements for issuance of license.**

- (1) No person shall be eligible to practice long-term care administration in this state unless:
  - (a) He or she shall make written application to the board on such forms as are provided therefor;
  - (b) He or she is a citizen of the United States or has declared his or her intent to become a citizen of the United States;
  - (c) He or she provides proof satisfactory to the board that he or she is of good moral character and is otherwise suitable;
  - (d) He or she has passed an examination approved by the board by promulgation of an administrative regulation; and
  - (e) He or she meets such other requirements as may be established by the board by promulgation of an administrative regulation, so long as the requirements are uniform and are applied to all other applicants for a license.
- (2) When an applicant has met the requirements as provided herein, the board shall issue the applicant a license to practice long-term care administration in this state.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 129, sec. 8, effective July 12, 2012; and ch. 158, sec. 62, effective July 12, 2012. -- Created 1970 Ky. Acts ch. 276, sec. 8.

**Legislative Research Commission Note (7/12/2012).** This statute was amended by 2012 Ky. Acts chs. 129 and 158, which do not appear to be in conflict and have been codified together.

#### **216A.090 Renewal of license.**

Every holder of a long-term care administrator's license shall renew his or her license biennially by making application to the board either online via Internet access or on forms provided therefor. The board may refuse to renew any license for failure to comply with the provisions of this chapter or the administrative regulations promulgated under this chapter, including continuing education requirements.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 129, sec. 9, effective July 12, 2012; and ch. 158, sec. 63, effective July 12, 2012. -- Created 1970 Ky. Acts ch. 276, sec. 9.

**Legislative Research Commission Note (7/12/2012).** This statute was amended by 2012 Ky. Acts chs. 129 and 158, which do not appear to be in conflict and have been codified together.

#### **216A.100 Repealed, 2012. Catchline at repeal:** Provisional license.

**History:** Repealed 2012 Ky. Acts ch. 129, sec. 13, effective July 12, 2012. -- Created 1970 Ky. Acts ch. 276, sec. 10.

#### **216A.110 Fees and charges.**

- (1) The board shall prescribe and collect reasonable fees and charges for processing applications, examinations and issuance of licenses, including renewals.
- (2) All fees and charges collected under the provisions of this chapter shall be paid into the State Treasury and credited to a trust and agency fund to be used by the board in defraying the cost and expenses in the administration of this chapter.

**History:** Created 1970 Ky. Acts ch. 276, sec. 11.

#### **216A.120 Repealed, 2012. Catchline at repeal:** Courses of instruction -- Approval of out-of-state courses.

**History:** Repealed 2012 Ky. Acts ch. 129, sec. 13, effective July 12, 2012. -- Created 1970 Ky. Acts ch. 276, sec. 12.

#### **216A.130 Reciprocity.**

- (1) The board, in its discretion, and otherwise subject to the provisions of this chapter and the administrative regulations of the board promulgated thereunder prescribing the qualifications for a long-term care administrator license, may issue a license to a long-term care administrator possessing a license issued by the proper authorities of any other state, upon payment of a fee set by the board, and upon submission of evidence satisfactory to the board:

- (a) That the other state maintained a system and standard of qualifications and examinations for a long-term care administrator license which were substantially equivalent to those required in this state at the time the other license was issued by the other state; and
  - (b) That the license was issued by the other state at least two (2) years prior to application for endorsement.
- (2) The board, in its discretion, may refuse to issue a license to a long-term care administrator possessing a license issued by the proper authorities of any other state, if the applicant for endorsement has been disciplined by the other state's board in the past five (5) years.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 129, sec. 10, effective July 12, 2012; and ch. 158, sec. 64, effective July 12, 2012. -- Created 1970 Ky. Acts ch. 276, sec. 13.

**Legislative Research Commission Note (7/12/2012).** This statute was amended by 2012 Ky. Acts chs. 129 and 158, which do not appear to be in conflict and have been codified together.

#### **216A.140 Appeal.**

Persons aggrieved by orders of the board may appeal therefrom to the Franklin Circuit Court and thence to the Court of Appeals in the manner provided by law.

**History:** Created 1970 Ky. Acts ch. 276, sec. 14.

#### **216A.150 Violations.**

It shall be a misdemeanor for any person to:

- (1) Sell or fraudulently obtain or furnish any license or aid or abet therein;
- (2) Practice as a long-term care administrator, under cover of any license illegally or fraudulently obtained or unlawfully issued;
- (3) Practice as a long-term care administrator or use in connection with his or her name any designation tending to imply that he or she is a long-term care administrator unless duly licensed to so practice under the provisions of this chapter; or
- (4) Practice as a long-term care administrator during the time his or her license issued under the provisions of this chapter shall be suspended or revoked.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 129, sec. 11, effective July 12, 2012; and ch. 158, sec. 65, effective July 12, 2012. -- Created 1970 Ky. Acts ch. 276, sec. 15(1).

**Legislative Research Commission Note (7/12/2012).** This statute was amended by 2012 Ky. Acts chs. 129 and 158, which do not appear to be in conflict and have been codified together.

**216A.990 Penalties.**

Misdemeanors shall be punishable by a fine of not more than one hundred dollars (\$100). Each day of violation shall constitute a separate offense.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 129, sec. 12, effective July 12, 2012; and ch. 158, sec. 66, effective July 12, 2012. -- Created 1970 Ky. Acts ch. 276, sec. 15(2).

**Legislative Research Commission Note (7/12/2012).** This statute was amended by 2012 Ky. Acts chs. 129 and 158, which do not appear to be in conflict and have been codified together.

## KENTUCKY ADMINISTRATIVE REGULATIONS

### 201 KAR 6:020. Other requirements for licensure.

RELATES TO: KRS 216A.070(1)(a), 216A.080(1)(d), (e)

STATUTORY AUTHORITY: KRS 216A.070(3), 216A.080(1)(d), (e)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216A.070 requires the Kentucky Board of Licensure for Long-Term Care Administrators to promulgate administrative regulations to develop, impose, and enforce standards which shall be met by an individual in order to receive a license. KRS 216A.080(1)(d) and (e) authorize the board to promulgate administrative regulations to establish examination requirements and other requirements to be met if the requirements are uniform and applied to each applicant for a license. KRS 216A.080(1)(d)-requires an applicant to pass an examination approved by the board. This administrative regulation establishes requirements for licensure and sets limits on the taking of the examination.

Section 1. An applicant for a license as a long-term care administrator shall, in addition to meeting all of the requirements provided by KRS 216A.080(1):

(1) Have satisfactorily completed a course of study for, and have been awarded a baccalaureate degree from, an accredited college or university accredited by an agency recognized by the United States Department of Education;

(2)(a) Pass the written examination administered and verified by the National Association of Long-Term Care Administrator Boards; and

(b) Submit to the Board of Licensure for Long-Term Care Administrators documentation of a passing score, as defined by the National Association of Long-Term Care Administrator Boards.

1. This score shall not be less than seventy-five (75) percent of the scaled score.

2. The examination shall be passed within:

a. Two (2) years before filing an application for licensure or reinstatement; or

b. Six (6) months after filing an application for licensure or reinstatement; and

(3)(a) Except as provided in paragraph (b) and (c) of this subsection, have six (6) months of continuous management experience, or, if part-time, not less than 1,000 hours within a twenty-four (24) month period, with that experience to be completed in a long-term care facility. This experience shall be completed within two (2) years of the date of application. The management experience shall include evidence of responsibility for:

1. Personnel management;

2. Budget preparation;

3. Fiscal management;

4. Public relations; and

5. Regulatory compliance and quality improvement.

(b) An internship, that is at least 1,000 hours in length, which is a part of a degree in long-term care administration or a related field, shall satisfy the experience requirement established in this subsection.

(c) A bachelor's or master's degree from an academic program accredited by the National Association of Long-Term Care Administrator Boards at the time of the applicant's graduation and which was awarded within two (2) years of the date of the application shall satisfy the experience requirement established in this subsection.

Section 2. (1) The examination for licensure established by KRS 216A.080(1)(e) shall be the examination prepared by the National Association of Long-Term Care Administrator Boards.

(2) An applicant shall not be permitted to sit for the examination more than four (4) times within twelve (12) months.

Section 3. Any application not completed within six (6) months of having been approved to take the exam shall be mandatorily withdrawn as incomplete.

Section 4. A licensee shall provide the board with written notification within thirty (30) days of the occurrence of any of the following:

- (1) Change of home address;
- (2) Change of employer;
- (3) Conviction of a felony or misdemeanor:
  - (a) A licensee providing notice of a conviction shall provide a copy of the judgment in the case.
  - (b) A plea of nolo contendere or an alford plea shall not absolve the licensee of an obligation to report a conviction; or
- (4) Immediate Jeopardy or Substandard Level of Care notice received from the Cabinet for Health and Family Services by the long-term care facility at which the licensee serves as the administrator of record. A licensee providing notice of a citation shall provide a copy of the inspection report and submitted plan of correction.

Section 5. An applicant for licensure shall complete and submit an Application for Licensure.

Section 6. Incorporation by Reference. (1) "Application for Licensure", October 2013, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Long-Term Care Administrators, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (25 Ky.R. 678; Am. 1584; eff. 1-19-99; 26 Ky.R. 867; eff. 12-15-99; 40 Ky.R. 628; 1016; eff. 11-20-13.)

### **201 KAR 6:030. Temporary permits.**

RELATES TO: KRS 216A.070(4)

STATUTORY AUTHORITY: KRS 216A.070(3), (4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216A.070(3) authorizes the Board of Licensure for Long-term Care Administrators to promulgate administrative regulations necessary for the proper performance of its duties. KRS 216A.070(4) authorizes the board to promulgate administrative regulations concerning the issuance of a temporary permit to an individual to practice the art of long-term care administration. This administrative regulation establishes the requirements for issuance of a temporary permit.

Section 1. (1) A temporary permit to practice as a nursing home administrator shall be granted by the Office of Occupations and Professions to an applicant if:

- (a) The applicant has applied for licensure under the provisions of KRS Chapter 216A;
- (b) The applicant has completed all of the requirements established in 201 KAR 6:020 except the examination required pursuant to 201 KAR 6:020, Section 1(2), and the management experience required by 201 KAR 6:020, Section 1(3);
- (c) The facility where the applicant is to be employed as the administrator is without a licensed administrator; and
- (d) The facility owner provides a written request and supporting information to the board indicating that an emergency situation exists. An emergency situation shall exist if:
  1. The facility is without a licensed long-term care administrator; and
  2. A licensed long-term care administrator is not available to fill the position.

(2) The request for temporary permit shall include payment of the temporary permit fee as established in 201 KAR 6:060, Section 3.

(3) A temporary permit shall be subject to review by the board at the meeting immediately following issuance of the temporary permit. The board shall revoke the temporary permit if it does not comply with KRS 216.070(4) or this administrative regulation.

Section 2. (1) A temporary permit shall not be transferred to another individual.

(2) A temporary permit shall, in accordance with KRS 216.070(4):

(a) Be effective for no longer than six (6) months from the date it was granted; and

(b) Not be renewed by the permit holder.

(3) A temporary permit holder may be relocated to another location if an emergency exists at that location during the period in which the permit is effective and a separate request for a declaration of emergency is filed and approved by the board pursuant to Section 1(1)(d) of this administrative regulation.

(4) An individual shall not be granted a temporary permit more than once during a five (5) year period.

(5) A temporary permit shall not authorize the individual to whom the permit was issued to manage more than one (1) facility at the same time. (25 Ky.R. 679; Am. 1584; eff. 1-19-99; 40 Ky.R. 629; 1017; eff. 11-20-13.)

#### **201 KAR 6:040. Renewal, reinstatement, and reactivation of license.**

RELATES TO: KRS 36.450, 216A.080, 216A.090

STATUTORY AUTHORITY: KRS 216A.070(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216A.070(3) authorizes the Board of Licensure for Long-term Care Administrators to promulgate administrative regulations necessary for the proper performance of its duties. KRS 216A.090 requires the holder of a license to renew that license biennially. This administrative regulation establishes the requirements for renewal, late renewal, inactive licensure, and reinstatement of a license.

Section 1. (1) A license shall be renewed every two (2) years from date of issue or from date of last renewal. To apply for renewal, a licensee shall:

(a) Submit a completed Renewal Form to the board; and

(b) Pay to the board the appropriate renewal fee established in 201 KAR 6:060 for the renewal of a license.

(2) A sixty (60) day grace period shall be allowed after the renewal date, during which time a licensee may continue to practice and may renew the license upon payment of the late renewal fee established in 201 KAR 6:060.

(a) Except as provided by KRS 36.450, a license not renewed by the end of the sixty (60) day grace period shall terminate based on the failure of the licensee to renew in a timely manner.

(b) Upon termination, the licensee shall not practice in the Commonwealth.

(3) A license shall be deemed inactive if:

(a) The board receives a written request seeking inactive status from the licensee;

(b) A licensee pays to the board the inactive licensee fee established in 201 KAR 6:060 for an inactive license;

(c) The grace period established in subsection (2) of this section has not expired; and

(d) The license is in good standing when the inactive status request is received.

(4)(a) After the sixty (60) day grace period, in order to apply for reinstatement, an individual with a terminated license shall submit a completed Reinstatement Application and pay the reinstatement fee established in 201 KAR 6:060.

(b) A person who applies for reinstatement after expiration of a license shall not be required to meet current licensure requirements, except those established in 201 KAR 6:070, Section 10, if reinstatement application is made within two (2) years from the date of expiration.

(5)(a) In order to apply for reactivation, an individual with an inactive license shall submit a completed Inactive Renewal and Reactivation Form accompanied by the reactivation fee established in 201 KAR 6:070.

(b) An individual who has continuously maintained inactive status and who makes application to return to active status shall not be required to meet current licensure requirements except those established by 201 KAR 6:070, Section 10.

(6) A licensee who fails to reinstate a license within two (2) years after its termination shall not have it renewed, restored, reissued, or reinstated. A person may apply for and obtain a new license by meeting the current requirements for licensure established in KRS 216A.080 and 201 KAR Chapter 6.

(7) A suspended license shall be subject to expiration and termination and shall be renewed as provided in this administrative regulation. Renewal shall not entitle the licensee to engage in the practice until the suspension has ended, or is otherwise removed by the board and the right to practice is restored by the board.

(8) A revoked license shall be subject to expiration or termination and shall not be renewed. If it is reinstated, the licensee shall pay the reinstatement fee as set forth in subsection (2) of this section and the renewal fee as set forth in subsection (1) of this section.

(9) A licensee applying for renewal, late renewal, or reinstatement of licensure shall show evidence of completion of continuing education as established by 201 KAR 6:070.

(10) An inactive licensee shall renew his or her inactive license biennially by submitting an application on the Inactive Renewal and Reactivation Form and submitting payment of the fee established in 201 KAR 6:060.

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Renewal Form", August 2013;
- (b) "Reinstatement Application", August 2013; and
- (c) "Inactive Renewal and Reactivation Form", August 2013.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Long-Term Care Administrators, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (25 Ky.R. 680; Am. 1585; eff. 1-19-99; 40 Ky.R. 631; 1017; eff. 11-20-13.)

## **201 KAR 6:050. Licensure by endorsement.**

RELATES TO: KRS 216A.130

STATUTORY AUTHORITY: KRS 216A.070(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216A.070(3) authorizes the Board of Licensure for Long-term Care Administrators to promulgate administrative regulations necessary for the proper performance of its duties. KRS 216A.130 authorizes the board to issue a license to a long-term care administrator possessing a license issued by another state. This administrative regulation establishes the requirements for issuance of a license by endorsement.

Section 1. An applicant applying for licensure via endorsement shall submit to the board:

- (1) A completed Application for Endorsement Licensure;
- (2) Verification that the applicant:
  - (a) Meets all current requirements for licensure as established by KRS 216A.130; or
  - (b) Is currently designated as a certified long-term care administrator by the American College of Health Care Administrators;
- (3) Payment of the fee for licensure by endorsement as established by 201 KAR 6:060; and
- (4) Documentation from the other state's board verifying that the license issued by that other state:
  - (a) Is active;
  - (b) Is valid;
  - (c) Is in good standing;
  - (d) Does not have an unresolved complaint pending against it; and
  - (e) Has not been subject to disciplinary action during the five (5) years immediately preceding the application.

Section 2. Incorporation by Reference. (1) "Application for Endorsement Licensure", October 2013, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Long-Term Care Administrators, 911 Leaward Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (25 Ky.R. 681; eff. 1585; eff. 1-19-99; 40 Ky.R. 632; 1018; eff. 11-20-13.)

**201 KAR 6:060. Fees.**

RELATES TO: KRS 216A.110(1), 216A.130

STATUTORY AUTHORITY: KRS 216A.070(3), (4), 216A.110(1), 216A.130

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216A.070(4) requires the board to establish a fee for a temporary permit. KRS 216A.110(1) requires the board to prescribe and collect reasonable fees and charges for processing applications, examination, and issuance of licenses, including renewals. KRS 216A.130 authorizes the board to establish a fee for licensure by reciprocity. This administrative regulation establishes those fees.

Section 1. Application Fee. (1) The application fee for board review of the application for licensure shall be \$100.

(2) The application fee shall be nonrefundable.

Section 2. Initial Licensure Fee. (1) The initial licensure fee shall be \$150 for an applicant for licensure.

(2) The fee for licensure by endorsement shall be \$300 for an applicant for licensure.

(3) If the applicant successfully completes all requirements for licensure, this fee shall cover licensure for the initial two (2) year period.

Section 3. Temporary Permit Fee. The fee for a temporary permit shall be seventy-five (75) dollars.

Section 4. Biennial Renewal Fee, Late Renewal Fee, Inactive License Fee, and Reinstatement Fee. (1) The renewal fee shall be \$125.

(2) The late renewal fee shall be \$200.

(3) The inactive license fee shall be seventy-five (75) dollars.

(4) The fee for reactivating an inactive license shall be fifty (50) dollars.

(5) The reinstatement fee shall be \$300.

Section 5. Duplicate License Fee. The duplicate license fee shall be twenty-five (25) dollars.

Section 6. Licensure Verification Fee. The fee for verification of state licensure shall be twenty-five (25) dollars.

Section 7. Continuing Education Fees. (1) The application fee for preapproval to present a single continuing education program as described in 201 KAR 6:070, Section 5(1)(a), shall be fifty (50) dollars.

(2) The application fee for approval of credit for a single continuing education program not preapproved as described in 201 KAR 6:070, Section 4, shall be twenty-five (25) dollars. (25 Ky.R. 681; Am. 1585; eff. 1-19-99; 26 Ky.R. 868; eff. 12-15-99; 40 Ky.R. 633; 1019; eff. 11-20-13; 40 Ky.R. 633; 1019; eff. 11-20-13.)

### **201 KAR 6:070. Continuing education requirements.**

RELATES TO: KRS 216A.090

STATUTORY AUTHORITY: KRS 216A.070(3), 216A.090

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216A.070(3) authorizes the Board of Licensure for Long-term Care Administrators to promulgate administrative regulations necessary for the proper performance of its duties. KRS 216A.090 authorizes the board to promulgate an administrative regulation requiring a licensed nursing home administrator to complete continuing education requirements as a condition of renewal of licensure. This administrative regulation delineates the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

Section 1. Definitions. (1) "Approved" means recognized by the Kentucky Board of Licensure for Long-Term Care Administrators.

(2) "Continuing education hour" means sixty (60) clock minutes of participation in a continuing educational experience.

(3) "Program" means an organized learning experience planned and evaluated to meet behavioral objectives, including an experience presented in one (1) session or in a series.

(4) "Provider" means an organization approved by the Kentucky Board of Licensure for Long-Term Care Administrators for providing a continuing education program.

(5) "Relevant" means having content applicable to the practice of nursing home administration.

Section 2. Accrual of Continuing Education Hours; Computation of Accrual. (1) A minimum of thirty (30) continuing education hours shall be accrued by each person holding licensure during the two (2) year period for renewal.

(2) All continuing education hours shall be in or related to the field of long-term care administration.

(3) A maximum of fifteen (15) continuing education hours may be accrued during one (1) calendar day.

Section 3. Methods of Acquiring Continuing Education Hours. Continuing education hours applicable to the renewal of the license shall be directly related to the professional growth and development of a long-term care administrator. A continuing education hour shall be earned by completing an educational activity described in this section.

(1) Programs not requiring board review and approval. An educational program shall be considered relevant to the practice of long-term care administration and shall be approved without further review by the board if it is:

(a) Sponsored or approved by the National Association of Long-Term Care Administrator Boards (NAB) or another board of licensure which is a member of NAB; or

(b) Sponsored by:

1. Leading Age, or any of its affiliated state chapters;
2. The American College of Health Care Administrators, or any of its affiliated state chapters;
3. The American College of Healthcare Executives;
4. The American Health Care Association, or any of its affiliated state chapters;
5. The American Hospital Association, or any of its affiliated state chapters;
6. The Kentucky Board of Nursing; or
7. The American Medical Directors Association, or any of its affiliated chapters.

(2) Programs requiring board review and approval. A relevant program from one (1) of the following sources shall be approved by the board:

(a) A college course directly related to business administration, economics, marketing, computer science, social services, psychology, gerontology, or health professions including nursing or premedicine, except that a college course described in this paragraph shall not fulfill more than one-half (1/2) of a licensee's continuing education requirement;

(b) A relevant program, including a home study course or in-service training provided by another organization, education institution, or other service provider approved by the board;

(c) A relevant program or academic course presented by the licensee. A presenter of a relevant program or academic course shall earn full continuing education credit for each contact hour of instruction, not to exceed one-half (1/2) of the continuing education renewal requirements. Credit shall not be issued for repeated instruction of the same course; or

(d) Authoring an article in a relevant, professionally recognized or juried publication. Credit shall be granted for an article that was published within the two (2) year period immediately preceding the renewal date if the licensee has not received credit for another publication during that renewal period. A licensee shall earn one-half (1/2) of the continuing education hours required for a relevant publication.

Section 4. Procedures for Approval of Continuing Education Programs. A course which has not been preapproved by the board may be used for continuing education if approval is secured from the board for the course. In order for the board to adequately review this program, the licensee requesting approval shall submit:

- (1) A published course or similar description;
- (2) Names and qualifications of the instructors;
- (3) A copy of the program agenda indicating hours of education, coffee breaks, and lunch breaks;
- (4) Number of continuing education hours requested;
- (5) Official certificate of completion or college transcript from the sponsoring agency or college;
- (6) Application for Continuing Education; and
- (7) The fee required by 201 KAR 6:060, Section 7.

Section 5. Procedures for Preapproval of Continuing Education Sponsors and Programs. (1) Sponsor approval.

(a) Any entity seeking to obtain approval of a continuing education program prior to its offering shall apply to the board at least sixty (60) days in advance of the commencement of the program, and shall provide the information required in Section 4 of this administrative regulation.

(b) An applicant shall satisfy the board that the entity seeking this status:

1. Consistently offers programs which meet or exceed all the requirements set forth in Section 2 of this administrative regulation; and

2. Does not exclude any licensee from its programs.

(2) A continuing education activity shall be qualified for approval if the board determines the activity being presented:

(a) Is an organized program of learning;

- (b) Pertains to subject matters which integrally relate to the practice of nursing home administration;
- (c) Contributes to the professional competency of the licensee; and
- (d) Is conducted by individuals who have relevant educational training or experience.

Section 6. Responsibilities and Reporting Requirements of Licensees. (1) Each licensee shall be responsible for obtaining required continuing education hours. The licensee shall:

- (a) Identify his or her own continuing education needs;
- (b) Take the initiative in seeking continuing professional education activities to meet these needs; and
- (c) Seek ways to integrate new knowledge, skills, and attitudes.

(2) Each person holding licensure shall:

- (a) Select approved activities by which to earn continuing education hours;
- (b) Submit to the board, if applicable, a request for continuing education activities requiring approval by the board as established in Section 4 of this administrative regulation;
- (c) Maintain his or her own records of continuing education hours;
- (d) At the time of renewal, list the continuing education hours obtained during that licensure renewal period; and
- (e) At the time of renewal, furnish documentation of attendance and participation in the number of continuing education hours required by Section 2 of this administrative regulation and as required by this paragraph.

1. Each person holding licensure shall maintain, for a period of two (2) years from the date of renewal, all documentation verifying successful completion of continuing education hours.

2. During the two (2) year licensure renewal period, up to fifteen (15) percent of all licensees shall be required by the board to furnish documentation of the completion of the number of continuing education hours, required by Section 2 of this administrative regulation, for the current renewal period.

3. Verification of continuing education hours shall not otherwise be reported to the board.

4. Documentation shall take the form of official documents including:

- a. Transcripts;
- b. Certificates;
- c. Affidavits signed by instructors; or
- d. Receipts for fees paid to the sponsor.

5. Each licensee shall retain copies of the documentation.

Section 7. Responsibilities and Reporting Requirements of Providers. (1) A provider of continuing education not requiring board approval shall be responsible for providing documentation, as established in Section 4 of this administrative regulation, directly to the licensee.

(2) A provider of continuing education requiring board approval shall be responsible for submitting a course offering to the board for review and approval before listing or advertising that offering as approved by the board.

Section 8. Board to Approve Continuing Education Hours; Appeal when Approval Denied. (1) If an application for approval of continuing education hours is denied, the licensee may request reconsideration by the board of its decision.

(2) The request shall be in writing and shall be received by the board within thirty (30) days after the date of the board's decision denying approval of continuing education hours.

Section 9. Waiver or Extensions of Continuing Education. (1) The board may, in an individual case involving medical disability, illness, or undue hardship as determined by the board, grant a waiver of the minimum continuing education requirements or an extension of time within which to fulfill the requirements or make a required report.

(2) A written request for waiver or extension of time involving medical disability or illness shall be submitted by the person holding a license and shall be accompanied by a verifying document signed by a licensed physician.

(3) A waiver of the minimum continuing education requirements or an extension of time within which to fulfill the continuing education requirements shall be granted by the board for a period of time not to exceed one (1) calendar year.

(4) If the medical disability or illness upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the person holding licensure shall reapply for the waiver or extension.

Section 10. Continuing Education Requirements for Reinstatement or Reactivation of Licensure. (1) A person requesting reinstatement or reactivation of licensure shall submit evidence of thirty (30) hours of continuing education within the twenty-four (24) month period immediately preceding the date on which the request for reinstatement or reactivation is submitted to the board.

(2) Upon request by a licensee, the board may permit the licensee to resume practice, with the provision that the licensee shall receive thirty (30) hours continuing education within six (6) months of the date on which the licensee is approved to resume practice.

(3) The continuing education hours received in compliance with this section shall be in addition to the continuing education requirements established in Section 2 of this administrative regulation and shall not be used to comply with the requirements of that section.

Section 11. Incorporation by Reference. (1) "Application for Continuing Education", August 2013, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Long-Term Care Administrators, 911 Leewood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (25 Ky.R. 682; Am. 1586; eff. 1-19-99; 40 Ky.R. 635; 1019; eff. 11-20-13.)

## **201 KAR 6:080. Code of ethics.**

RELATES TO: KRS Chapter 209, Chapter 216, 216A.070(1)(a), (c), (d), 510.010(7)

STATUTORY AUTHORITY: KRS 216A.070(1)(a), (1)(d), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216A.070(3) authorizes the board to promulgate administrative regulations necessary for the proper performance of its duties. KRS 216A.070(1)(a) requires the board to develop, impose, and enforce standards which shall be met by an individual licensed as a long-term care administrator. KRS 216A.070(1)(d) requires the board to establish and carry out procedures to insure compliance with the established standards. This administrative regulation establishes a code of ethics as a portion of the standards which shall be met in compliance with KRS 216A.070(1)(a), (c), and (d).

Section 1. Definitions. (1) "Long term care administrator" is defined by KRS 216A.010(3).

(2) "Long term care facility" is defined by KRS 216A.010(4).

(3) "Resident" is defined by KRS 216A.010(5).

Section 2. Responsibility to Residents. (1) A long-term care administrator shall:

(a) Advance and protect the welfare of the resident;

(b) Respect the rights of a person seeking service;

(c) Operate the facility consistent with laws and administrative regulations applicable to nursing facilities under KRS Chapter 216; and

(d) Have the duty to report to the proper authorities knowledge of resident abuse, pursuant to KRS Chapter 209.

(2) A long-term care administrator shall not:

(a) Provide services other than those for which the administrator is prepared and qualified to perform;

(b) Discriminate against or refuse professional service to anyone on the basis of race;

(c) Misrepresent qualifications, education, experience, or affiliations;

(d) Exploit the trust and dependency of a resident;

(e) Participate in activities that reasonably may be considered to create a conflict of interest, or have the potential to have a substantial adverse impact on the facility, its residents, or its staff;

(f) Engage in a sexual relationship or sexual contact, as defined under KRS 510.010(7), with a resident; or

(g) Engage in sexual or other harassment or exploitation of a resident, student, trainee, supervisee, employee, colleague, research subject, or actual or potential witness or complainant in an investigation or disciplinary proceeding.

Section 3. Confidentiality. A long-term care administrator shall not divulge confidential information, except:

(1) As mandated, or permitted, by law;

(2) To prevent a clear and immediate danger to a person;

(3) In the course of a civil, criminal, or disciplinary action if:

(a) The long-term care administrator is a defendant in that action; and

(b) The action arose from a service provided by the long-term care administrator; or

(4) To comply with the terms of a consent agreement if written informed consent has been obtained.

Section 4. Professional Competence and Integrity. (1) A long-term care administrator shall maintain standards of professional competence and integrity and shall be subject to disciplinary action for:

(a) Conviction of a felony, or a misdemeanor related to the practice as a long-term care administrator.

Conviction shall include conviction based on:

1. A plea of no contest or an "Alford Plea"; or

2. The suspension or deferral of a sentence;

(b) Having been subject to disciplinary action by another state's regulatory agency that the board determines violates applicable Kentucky state law or administrative regulation;

(c) Misrepresentation or concealment of a material fact in obtaining or seeking reinstatement of license;

(d) Refusing to comply with an order issued by the board;

(e) Failing to cooperate with the board by not:

1. Furnishing in writing a complete explanation to a complaint filed with the board;

2. Furnishing documentation requested by the board regarding a complaint;

3. Appearing before the board at the time and place designated; or

4. Properly responding to a subpoena issued by the board; or

(f) Violating KRS Chapter 216 or 201 KAR Chapter 6, governing the practice of long-term care administration.

(2) Impaired Licensees.

(a) A licensee shall not practice as a long-term care administrator if the competency of the licensee is impaired due to a mental, emotional, psychological, pharmacologic, or substance abuse condition.

(b) If an impairment develops during the employment as a long-term care administrator, the licensee shall:

1. Terminate or suspend the employment after promptly identifying a replacement licensed by the board;

2. Notify the long-term care facility where the licensee is employed of the impairment in writing; and
3. Assist the long-term care facility in obtaining services from another licensee.

(c) Full compliance with paragraph (b) of this subsection shall not constitute a defense to an administrative charge brought against a licensee alleging violation of paragraph (a) of this subsection but may be considered by the board as a mitigating factor. . (25 Ky.R. 685; Am. 1587; eff. 1-19-99; 40 Ky.R. 637; 1021; eff. 11-20-13.)

## **201 KAR 6:090. Complaint process.**

RELATES TO: KRS Chapter 13B, Chapter 216A

STATUTORY AUTHORITY: KRS 216A.070(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216A.070(3) authorizes the board to promulgate administrative regulations necessary for the proper performance of its duties. KRS 216A.070(1)(e) requires the board to investigate a person engaging in a practice which violates the provisions of KRS Chapter 216A. This administrative regulation establishes procedures for the investigation of a complaint received by the board.

Section 1. Definitions. (1) "Chairman" means the chairman or vice-chairman of the board.

(2) "Charge" means a specific allegation contained in a formal complaint, as established in subsection (4) of this section, issued by the board alleging a violation of a specified provision of KRS Chapter 216A or 201 KAR Chapter 6.

(3) "Complaint" means:

(a) A written allegation alleging misconduct by a credentialed individual or other person which might constitute a violation of KRS Chapter 216A, 201 KAR Chapter 6, or another state or federal statute or administrative regulation;

(b) A notification which relates to the credential of the individual pursuant to KRS Chapter 216A; or

(c) A Notification of Substandard Care issued by the Cabinet for Health and Family Services, as defined in 42 C.F.R. 488.301.

(4) "Formal complaint" means a formal administrative pleading authorized by the board which sets forth charges against a licensed individual or other person and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests the court to take criminal action.

(5) "Informal proceeding" means a proceeding instituted during the disciplinary process with the intent of reaching a dispensation of a matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.

(6) "Investigator" means an individual designated by the board to assist the board in the investigation of a complaint or an investigator employed by the Attorney General or the board.

(7) "Standards of practice committee" means the committee appointed pursuant to Section 7 of this administrative regulation.

Section 2. Receipt of Complaints. (1) A complaint may be submitted by an individual, organization, or entity. A complaint shall be in writing and shall be signed by the person offering the complaint. The board may file a complaint or a formal complaint based on information in its possession.

(2)(a) Upon receipt of a complaint against a licensee, a copy of the complaint shall be sent to the licensee named in the complaint along with a request for that licensee's response to the complaint.

(b) The licensee shall file a response to the complaint within twenty (20) days from the date the letter was mailed as signified by the date on the letter.

(3) Upon receipt of a notification of substandard care, a copy of the notification shall be sent to the licensee administering the facility at issue along with a letter from the board requesting the following information:

(a) The effective date of that administrator becoming the administrator of record for the facility. If that has occurred within the last 180 days, the facility shall furnish the name of the previous administrator;

(b) A copy of completed and approved 2567L and notice of acceptance of allegation of compliance as issued by the Cabinet for Health and Family Services;

(c) A copy of notice of results of revisit as issued by the Cabinet for Health and Family Services; and

(d) A formal notice of each remedy imposed by the Cabinet for Health and Family Services, if applicable.

(4) A licensee shall provide the documentation listed in subsection (3) of this section if a request is made by the board pursuant to that provision.

Section 3. Initial Review. (1) After the receipt of a complaint and the expiration of the period for the licensee's response, the standards of practice committee shall consider the complaint, the licensee's response, and other relevant material available and make a recommendation to the board regarding whether an investigation of the complaint is required.

(2) If, in the opinion of the board, a complaint does not warrant a formal investigation, the board shall dismiss the complaint.

(3)(a) If, in the opinion of the board, a complaint warrants a formal investigation against either a licensed individual or a person who may be practicing without appropriate credential, the board shall authorize an investigator to investigate the matter and make a report to the standards of practice committee.

(b) If, at any time, the board determines that it has enough information, it may file a formal complaint pursuant to Section 4 of this administrative regulation.

Section 4. Results of Formal Investigation; Board Decision on Hearing. (1)(a) Upon completion of the formal investigation, the investigator shall submit a report to the standards of practice committee of the facts regarding the complaint.

(b) The committee shall review the investigative report and make a recommendation to the board.

(c) The board shall determine whether there is enough evidence to believe that a violation of KRS Chapter 216A or 201 KAR Chapter 6 may have occurred and whether a complaint shall be filed.

(2) If, in the opinion of the board, a complaint does not warrant the issuance of a formal complaint and the holding of a hearing, the complaint shall be dismissed or referred to another agency for action. The board shall notify both the complaining party and the individual of the outcome of the complaint.

(3) If, in the opinion of the board, a complaint warrants the issuance of a formal complaint against a licensee, the standards of practice committee shall authorize a formal complaint which states the charge or charges to be considered at the hearing. The formal complaint shall be approved by the board and served upon the individual as required by KRS 13B.050.

(4) If, in the opinion of the board, probable cause exists that an individual is guilty of practicing without appropriate credential, it may:

(a) Issue a letter ordering that person to cease and desist from the unlicensed practice of long-term care administration;

(b) Forward information to the county attorney of the county of residence of the person allegedly practicing without appropriate credential with a request that appropriate action be taken under KRS 216A.150 and 216A.990; or

(c) Initiate action in Franklin Circuit Court for injunctive relief to stop the unauthorized practice of long-term care administration.

Section 5. Settlement by Informal Proceedings. The board may at any time enter into a settlement agreement or agreed order with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.

(1) An agreed order or settlement agreement shall only be effective after being approved by the board and signed by the individual who is the subject of the complaint and the chairman.

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

Section 6. Notice and Service Process. A notice required by KRS Chapter 216A or this administrative regulation shall be issued pursuant to KRS 13B.050.

Section 7. Standards of Practice Committee. The standards of practice committee shall:

(1) Be appointed by the chairman of the board; and

(2) Consist of two (2) or three (3) board members. (25 Ky.R. 686; Am. 1588; eff. 1-19-99; 40 Ky.R. 639; 1022; eff. 11-20-2013.)