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Am. D. D. D.
REGULATIONS COMPILER

1 BOARDS AND COMMISSIONS

2 KENTUCKY BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

3 (Amendment)

4 201 KAR 17:070. Complaint procedure.

5 RELATES TO: KRS 334A.080(1), 334A.180

6 STATUTORY AUTHORITY: KRS 334A.055, 334A.080(3)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.180 establishes the causes for
8 which disciplinary action may be taken against a licensee. KRS 334A.055 authorizes the board to
9 require a criminal background check for any person licensed to engage in a profession authorized
10 by the board who is the subject of a complaint alleging prohibited conducts as described in KRS
11 334A.175. This administrative regulation establishes procedures for the filing, evaluation, and
12 disposition of an administrative complaint.

13 Section 1. ~~Definitions.~~

14 ~~(1) "Chairman" means the chairman or vice chairman of the board.~~

15 ~~(2) "Charge" means a specific allegation contained in a formal complaint, as established in sub-~~
16 ~~section (5) of this section, issued by the board alleging a violation of a specified provision of~~
17 ~~KRS Chapter 334A; the administrative regulations promulgated thereunder; or any other state or~~
18 ~~federal statute or regulation.~~

19 ~~(3) "Complaint" means a written allegation of misconduct by a credentialed individual or other~~
20 ~~person which might constitute a violation of KRS Chapter 334A, the administrative regulations~~
21 ~~promulgated thereunder, or any other state or federal statute or regulation.~~

1 ~~(4) "Complaint screening committee" means a committee consisting of three (3) persons ap-~~
2 ~~pointed by the chairman of the board to review complaints, investigate reports, and to participate~~
3 ~~in informal proceedings to resolve a formal complaint, and may include the executive director of~~
4 ~~the board or another staff member.~~

5 ~~(5) "Formal complaint" means a formal administrative pleading authorized by the board which~~
6 ~~sets forth charges against a licensed individual or other person and commences a formal discipli-~~
7 ~~nary proceeding pursuant to KRS Chapter 13B or requests the court to take criminal or civil ac-~~
8 ~~tion.~~

9 ~~(6) "Informal proceedings" means the proceedings instituted at a stage of the disciplinary process~~
10 ~~with the intent of reaching a dispensation of any matter without further recourse to formal disci-~~
11 ~~plinary procedures under KRS Chapter 13B.~~

12 ~~(7) "Investigator" means an individual designated by the board to assist the board in the investi-~~
13 ~~gation of a complaint or an investigator employed by the Attorney General or the board.]~~

14 Section 1[2]. Receipt of Complaints.

15 (1) A complaint:

16 (a) May be submitted by an:

17 1. Individual;

18 2. Organization; or

19 3. Entity;

20 (b) Shall be:

21 1. In writing utilizing the "Complaint Form – Information Sheet – Authorization for Re-
22 lease of Medical and Client Records", form DPL-SLPA-11; and

23 2. The Complaint form shall be signed [Signed] by the person making[~~offering~~] the com-

1 plaint; and

2 (c) May be filed by the board based upon information in its possession.

3 (2)

4 (a) Upon receipt of a complaint, a copy of the complaint shall be sent to the individual named
5 in the complaint along with a request for that individual's response to the complaint. The indi-
6 vidual shall be allowed a period of twenty (20) days from the date of receipt to submit a written
7 response.

8 (b) Upon receipt of a[his] copy of the written response of the individual named in the com-
9 plaint, a copy of the[his] response shall be sent to the complainant. The complainant shall have
10 seven (7) days from the receipt to submit a written reply to the response.

11 Section 2[3]. Initial Review.

12 (1) After the receipt of a complaint and the expiration of the period identified in Section 2(2) of
13 this administrative regulation~~[for the individual's response]~~, the complaint screening committee
14 shall consider the individual's response, complainant's reply to the response, and any other rele-
15 vant material available and make a recommendation to the board. The board shall determine
16 whether there is enough evidence to warrant a formal investigation of the complaint.

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

19 (a) Dismiss the complaint; and

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

21 (3) If the board determines that a complaint warrants a formal investigation, the board shall:

22 (a) Authorize an investigation into the matter; and

23 (b) Order a report to be made to the complaint screening committee at the earliest opportunity.

Section 3[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 complaint screening 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:

1. There has been a prima facie violation of KRS Chapter 334A or the administrative regulations promulgated thereunder; and

2. A complaint shall be filed.

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

(a) Dismiss the complaint; and

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

(3)

(a) If the board determines that a violation has occurred but is not serious, the board may issue a written admonishment to the licensee.

(b) A copy of the written admonishment shall be placed in the permanent file of the licensee.

(c) The licensee shall have the right to:

1. File a response in writing to the admonishment within thirty (30) days of its receipt and have the response placed in their[his] permanent file; or

2. File a request for a hearing with the board within thirty (30) days of the admonishment.

(d) Upon receipt of a[the] request for a hearing pursuant to subsection (c)2. above, the board

1 shall set aside the written admonishment and set the matter for hearing pursuant to the provisions
2 of KRS Chapter 13B.

3 (4) If the board determines that a complaint warrants the issuance of a formal complaint against a
4 respondent, the complaint screening committee shall prepare a formal complaint which states
5 clearly the charge or charges to be considered at the hearing. The formal complaint shall be re-
6 viewed by the board and, if approved, signed by the chair~~[chairman]~~ and served upon the indi-
7 vidual as required by KRS Chapter 13B.

8 (5) If the board determines that a person may be in violation of KRS 334A.030(2), the board
9 shall:

10 (a) Order the individual to cease and desist from further violations of KRS 334A.030(2);

11 and may:

12 (b) Forward information to the county attorney of the county of residence of the person alleg-
13 edly violating KRS 334A.030(2) with a request that appropriate action be taken under KRS
14 334A.990; or

15 (c) Initiate action in Franklin Circuit Court for injunctive relief to stop the violation of KRS
16 334A.030(2) pursuant to KRS 334A.990(2).

17 (6) The board may require a national and state criminal background investigation performed
18 within the last ninety (90) days by the Department of Kentucky State Police (KSP) and the Fed-
19 eral Bureau of Investigation (FBI) for any licensee who is the subject of a complaint alleging
20 prohibited conduct as described in KRS 334A.175. The results shall be submitted directly to the
21 board.

22 Section 4~~[5]~~. Settlement by Informal Proceedings.

23 (1) The board, through counsel and the complaint screening committee, may, at any time during

1 this process, enter into informal proceedings with the individual who is the subject of the com-
2 plaint for the purpose of appropriately dispensing with the matter.

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

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

6 Section 5~~[6]~~. Notice and Service Process. A notice required by KRS Chapter 334A or this ad-
7 ministrative regulation shall be issued pursuant to KRS Chapter 13B.

8 Section 6~~[7]~~. Notification. The board shall make public:

9 (1) Its final order in a disciplinary action under KRS 334A.180 with the exception of a written
10 admonishment issued pursuant to Section 4(3) of this administrative regulation; and

11 (2) An action to restrain or enjoin a violation of KRS 334A.030(2).

12 Section 7. Incorporation by Reference.

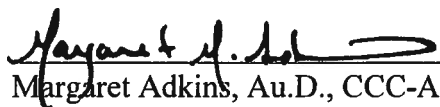
13 (1) The following material is incorporated by reference:

14 (a) "Complaint Form – Information Sheet – Authorization for Release of Medical and Client
15 Records", DPL-SLPA-11, July 2026; is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at
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201 KAR 17:070

APPROVED:

A handwritten signature in black ink, appearing to read "Margaret Adkins", is written over a horizontal line.

Margaret Adkins, Au.D., CCC-A

Board Chair

Board of Speech-Language Pathology and Audiology

Date: July 15, 2026