

STATEMENT OF EMERGENCY

201 KAR 17:070E

Pursuant to KRS 13A.190(1)(a)2., KRS 334A.055, and KRS 334A.188 SECTION 3.B.1, this emergency amendment to the administrative regulation is being promulgated to comply with the adoption of 2026 HB 657 which requires the Board of Speech-Language Pathology and Audiology (the “Board”) to require a national and state criminal background investigation for every applicant seeking an initial license issued by the Board to engage in the practice of speech-language pathology and audiology, and applicants seeking to reinstate a license. The criminal background investigation shall be by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation. The effective date of KRS 334A.055 requires that this emergency amendment be promulgated to ensure there is no delay in processing applications upon the effective date of the Act.

As a result, this emergency amendment to the administrative regulation—and the identical amendment to the ordinary regulation being concomitantly filed—have been amended to align with this statutory change to offset the potential delay in processing licensure applications—whereby the Board would be unable to process applications and collect fees in accordance with the terms of the statute—and therefore “[p]revent an imminent loss of federal or state funds” pursuant to KRS 13A.190(1)(a)2. This emergency amended administrative regulation is temporary and will be replaced by an ordinary amended administrative regulation as provided by KRS 13A.190. The ordinary amendment will be filed with this emergency amendment and will be identical.

Margaret Adkins, Au.D., CCC-A, Board Chair
Kentucky Board of Speech-Language Pathology and Audiology
Dated: July 15, 2026

Andy Beshear, Governor
Commonwealth of Kentucky
Dated: July 15, 2026

1 BOARDS AND COMMISSIONS

2 KENTUCKY BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

3 (Emergency Amendment)

4 201 KAR 17:070E. 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 discipli-~~
11 ~~nary 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

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

(4) If the board determines that a complaint warrants the issuance of a formal complaint against a respondent, the complaint screening committee shall prepare a formal complaint which states clearly the charge or charges to be considered at the hearing. The formal complaint shall be reviewed by the board and, if approved, signed by the chair~~chairman~~ and served upon the individual as required by KRS Chapter 13B.

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

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

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

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

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

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

(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.

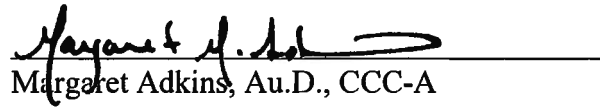
13 (1) The following material is incorporated by reference:

14 (a) The "Complaint Form – Information Sheet – Authorization for Release of Medical and
15 Client 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
the Kentucky Board of Speech-Language Pathology and Audiology, Department of Professional
Licensing, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30
p.m.

201 KAR 17:070E

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

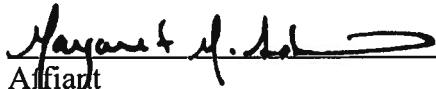
Date: July 15, 2026

AFFIDAVIT OF EMERGENCY STATEMENT BY BOARD CHAIR

Comes the Affiant, Margaret Adkins, Au.D., CCC-A, and after first being duly sworn, states the following:

1. I am Chair of the Kentucky Board of Speech-Language Pathology and Audiology.
2. The 2026 General Assembly enacted HB 657 requiring a criminal background investigation by means of a fingerprint check by the Department of Kentucky State Police and Federal Bureau of Investigation for all initial applicants for licensure, and applicants for reinstatement, who apply for authorization to engage in the practice of professional counseling, effective on July 15, 2026.
3. The Board of Speech-Language Pathology and Audiology considered these amendments at its May 12, 2026, special meeting and authorized the filing of the accompanying emergency amendment to the administrative regulation prior to the effective date of HB 657 to ensure there is no undue delay in processing applications for initial licensure and reinstatement.
4. Based on a finding that an emergency exists in accordance with KRS 13A.190(1)(a)2., and an imminent deadline for the promulgation of amendments to the administrative regulation required by the passage of HB 657, the attached emergency amendment is being filed to ensure there is no undue delay in processing applications for initial licensure and reinstatement.

Further the Affiant saith naught.



Affiant