

1 GENERAL GOVERNMENT CABINET

2 Kentucky Board of Speech-Language Pathology and Audiology

3 (Emergency New Administrative Regulation)

4 201 KAR 17:120E. Audiology and Speech-Language Pathology Interstate Compact.

5 RELATES TO: KRS 334A.188

6 STATUTORY AUTHORITY: KRS 334A.080(3), 334A.188

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.188, Section 15.B.1. requires the

8 Board of Speech-Language Pathology and Audiology to review any rule adopted by the Audiology

9 and Speech-Language Pathology Interstate Compact pursuant to Section 10 of KRS 334A.188

10 within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative

11 regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary

12 administrative regulation pursuant to KRS Chapter 13A. This administrative regulation

13 incorporates by reference the rules adopted by the Counseling Compact.

14 Section 1. The Board of Speech-Language Pathology and Audiology shall comply with all rules

15 of the Audiology and Speech-Language Pathology Interstate Compact, which includes the

16 Audiology and Speech-Language Pathology Interstate Compact Rules as of April 17, 2023.

17 Section 2. Incorporation by Reference.

18 (1) The following material is incorporated by reference: "The Audiology and Speech-Language

19 Pathology Interstate Compact Rules", October 7, 2023, and as revised.

- 1 (a) Chapter 1 – Rule on Definitions, adopted April 17, 2023;
2 (b) Chapter 2 – Rule on Data System Reporting Requirements, adopted April 17, 2023; and
3 (c) Chapter 3 –Rule on Implementation of Criminal Background Check Requirement, adopted
4 October 7, 2023.

5 (2)

6 (a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the
7 Board Speech-Language Pathology and Audiology, 500 Mero Street, 2 SC 32, Frankfort,
8 Kentucky 40602, Monday through Friday, 8 a.m. to 4:30 p.m.; or

9 (b) This material may also be obtained on the Board of Speech-Language Pathology and
10 Audiology Web site at <https://slp.ky.gov/>.

11 (3) This material may also be obtained at:

12 (a) The Audiology and Speech-Language Pathology Interstate Compact Commission, 1776 Avenue
13 of the States, Lexington, Kentucky 40511; or

14 (b) <https://aslpcompact.com/commission/commission-governance-documents/>.

201 KAR 17:120E

APPROVED BY AGENCY:



Jennifer Lutes, M.S., SLP
Chair, Board of Speech-Language Pathology and Audiology

Date: November 21, 2024

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on January 28, 2025, at 3:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. 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 January 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

CONTACT PERSON:

Name: Sara Boswell Janes

Title: Staff Attorney III

Agency: Department of Professional Licensing, Office of Legal Services

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Phone Number: (502) 782-2709 (office)

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Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 17:120E
Contact Person: Sara Boswell Janes
Phone Number: (502) 782-2709 (office)
Email: sara.janes@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation implements KRS 334A.188, the Audiology and Speech-Language Pathology Interstate Compact.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because KRS 334A.188, SECTION 15.B.1. requires rules adopted by the Counseling Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the specific requirements of the authorizing statute, KRS 334A.188, SECTION 15.B.1. which requires rules adopted by the Audiology and Speech-Language Pathology Interstate Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation conforms to the content of KRS 334A.188 which requires this promulgation.

(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: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4074 active and 119 inactive licensees in some capacity, and will also affect new applicants for licensure.

(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: No action is necessary.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost imposed by this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will be in compliance with the regulation.

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

(a) Initially: There is no additional cost.

(b) On a continuing basis: There is no additional cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by credential holders and applicant.

(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 increase in fees or funding will be required.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not): Tiering was not applied as the changes apply to all equally.

FISCAL IMPACT STATEMENT

Regulation No. KAR 17:120E
Contact Person: Sara Boswell Janes
Phone Number: (502) 782-2709 (office)
Email: sara.janes@ky.gov

(1) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 334A.080(3), 334A.188. Interstate compacts are specifically authorized under the federal constitution (Article 1, Section 10, Clause 3- the Compacts Clause) and take precedence over any conflicting state law pursuant to the Compacts Clause and the Contracts Clause, U.S. Constitution, Article 1, Section 10, Clause 1.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Speech-Language Pathology and Audiology is the promulgating agency and the only affected state unit, part or division.

(a) Estimate the following for the first year:

Expenditures: The compact may become operational in 2025, however, the expenditures needed in the first year are currently indeterminable. There will likely be some state expenditures necessary for data system programming, administering applications for compact privileges within and without the Commonwealth, as well as administering complaint and enforcement actions for those with the privilege to practice in Kentucky, and possibly for Kentucky licensees with the privilege to practice in other states.

Revenues: If the compact becomes operational in Kentucky during the first year, the Board may require imposition of a fee to cover the cost of administration. However, at this time potential revenues are indeterminable.

Cost Savings: Indeterminable.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The compact may become operational in 2025, however, the expenditures, revenue and cost savings in subsequent years, if any, are currently indeterminable.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):
None anticipated.

(a) Estimate the following for the first year:

Expenditures: None.

Revenues: None.

Cost Savings: None.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There will be no difference in expenditures, revenues or cost savings to local entities in subsequent years.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: There is minimal anticipated fiscal impact to this administrative regulation in the first year. It is possible there will be a fiscal impact of administering applications for compact privileges for in-state licensees who apply for the privilege to practice in another state, and for out of state licensees who apply for the privilege to practice in Kentucky. The Audiology and Speech-Language Pathology Interstate Compact Commission remains in its infancy and the work to be conducted by the state board on behalf of the compact is yet to be determined.

(b) Methodology and resources used to determine the fiscal impact: Methodology and resources are currently indeterminable since there are no known duties outlined for the state in relation to the compact.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate). This administrative regulation will not have an overall negative or adverse major economic impact to the entities identified.

(b) The methodology and resources used to reach this conclusion: Methodology and resources are currently indeterminable since there are no known duties outlined for the state in relation to the compact; however, given the number of licensees, current budget and anticipated number of applications for out of state licensees to obtain the privilege to practice in Kentucky, no major economic impact is anticipated.

SUMMARY OF MATERIALS INCORPORATED BY REFERENCE

201 KAR 17:120E

"The Audiology and Speech-Language Pathology Interstate Compact Rules", adopted by the Audiology and Speech-Language Pathology Interstate Compact Commission at its Special Commission Meeting on April 17, 2023, relate to the Rule on Definitions and the Rule on Data System Reporting requirements; and, by the Full Audiology and Speech-Language Pathology Interstate Compact Commission at its Annual Business Meeting on October 7, 2023, relating to the Rule on Implementation of Criminal Background Check Requirement.

SUMMARY OF CHANGES MATERIALS INCORPORATED BY REFERENCE

201 KAR 17:120E

This is a new administrative regulation and therefore there are no materials incorporated by reference being changed at this time.

AFFIDAVIT OF EMERGENCY STATEMENT BY BOARD CHAIR

1. Comes the Affiant, Jennifer Lutes, M.S., SLP, and after first being duly sworn, states the following:
2. I am Chair of the Kentucky Board of Speech-Language Pathology and Audiology.
3. The Audiology and Speech-Language Pathology Interstate Compact adopted compact rules on April 17, 2023 and October 7, 2023.
4. The Board of Speech-Language Pathology and Audiology considered these rules at its September 10, 2024, regular meeting and authorized Board Counsel to submit the accompanying emergency administrative regulation to adopt the rules, along with an identical ordinary administrative regulation.
5. Based on a finding that an emergency exists in accordance with KRS 13A.190(1)(a)3., and the deadline for the promulgation of an administrative regulation established by KRS 334A.188. Section 15.B.1 has passed; the attached emergency administrative regulation is being filed to meet the statutory requirements for the Audiology and Speech-Language Pathology Interstate Compact Rules.

Further the Affiant saith naught.

Jennifer J. Lutes, J.S. CCC-SLP

Affiant

Subscribed, sworn and acknowledged before me by Jennifer Lutes, M.S., SLP, Board Chair, this the 21 day of November, 2024.



NOTARY PUBLIC
STATE AT LARGE

Lyndsay Sipple, KYNP60728

My Commission expires: October 17, 2026