



KENTUCKY BOARD OF LICENSURE AND CERTIFICATION
FOR DIETITIANS AND NUTRITIONISTS

Andy Beshear
Governor

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Kerry B. Harvey
Secretary

March 30, 2020

MEMORANDUM

To: All Licensees and Applicants for Licensure
From: Kentucky Board of Licensure and Certification for Dietitians and Nutritionists
Date: March 25, 2020
Subject: COVID-19 Response and Governor's Executive Orders

Governor Andy Beshear released on March 18, 2020 Executive Order 2020-243, "State of Emergency Relating to Social Distancing." This Executive Order has direct implications on the operations, and statutes and regulations, under which the Kentucky Board of Licensing and Certification for Dietitians and Nutritionists ("Board") is governed. Executive Order 2020-243 specifically orders all Citizens of the Commonwealth to take all feasible steps to practice safe and appropriate social distancing to reduce the risks of the spread of COVID-19, in accordance with guidelines issued by the Centers for Disease Control and the Kentucky Department for Public Health. The Order further directs all Boards and agencies of the Commonwealth to likewise facilitate appropriate social distancing, and that to the extent any statute or regulation conflicts with this mandate, they are to be suspended. THESE CHANGES REMAIN IN EFFECT FOR THE DURATION OF THE STATE OF EMERGENCY AS IT IS DECLARED BY THE GOVERNOR'S OFFICE. Executive Order 2020-243 does, however, give state agencies the authority to extend deadlines and modify licensure and continuing education requirements to implement the order.

The Board has reviewed its statutes and regulations, in addition to the numerous questions it has received from Licensees and Applicants, and has determined that the following laws and regulations are affected by Executive Order 2020-243, and shall be adjusted or suspended as indicated below:

1. Review of applications for licensure: Applications for licensure under the Board's statutes, including KRS 310.021 and.031, will continue to be reviewed by the Board when

submitted electronically or by mailing. Any and all deadlines for completion or acceptance of applications shall be suspended until ninety (90) days after the state of emergency is lifted.

2. License Renewal: License renewals under 201 KAR 33.020: The renewal deadline under this regulation is November 1 annually, the next renewal being November 1, 2020. It is the hope of the Board that the COVID-19 crisis will have passed by then and renewals may proceed as usual. In the event Kentucky remains under a declared state of emergency, however, Licensees may continue to submit license renewal information and fees during the state of emergency, via electronic means or regular mail. The Board will continue to process these as they are received. Expiration dates of all currently held licenses, and temporary licenses, including but not limited to renewal requirements such as statutory or regulation deadlines and continuing education required for renewal, shall be suspended until ninety (90) days after the state of emergency expires or is rescinded. Licensees shall have until expiration of this period of time to submit renewal information including continuing education credits, and make payments of licensure fees. Licenses will not expire or be cancelled, nor cease and desist orders issued, until after expiration of this period of time.

3. Telehealth: Telehealth services are licensed services provided by electronic means, as opposed to in-person, face-to-face contact. KRS 310.200 provides for use of telehealth as a means of provision of dietary services in Kentucky. Until the state of emergency expires or is rescinded, a “treating dietitian or nutritionist” providing or facilitating the use of telehealth services under KRS 310.200, may do so to meet the mandates of social distancing.

(a) The provision of telehealth services in any state is governed by the laws of that state. For example, telehealth services in Indiana are governed by Indiana law. For a Kentucky licensee to provide services in Indiana, he/she must be licensed in Indiana, or comply with requirements prescribed by Indiana to do so. This is a general rule of thumb applicable in most, if not all, states.

(b) Telehealth services must still comply with KRS 310.200 in terms of the necessity of obtaining informed consent for services, and maintaining patient confidentiality.

(c) Governor Beshear has also enacted emergency administrative regulation 907 KAR 3:300E, which adopts into the Kentucky regulations any actions taken by the federal Department of Health and Human Services through the Department of Medicaid Services, including expanding certain services and benefits, including telehealth services. To the extent CMS makes changes in



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its telehealth regulations, including any adjustment or relaxation of HIPAA standards for telehealth, these are adopted into Kentucky law for purposes of the current state of emergency.

4. Continuing Education: Any and all deadlines for obtaining continuing education course credits are hereby suspended until ninety (90) days after the state of emergency expires or is rescinded.

(a) Any continuing education course approved as an in person, face-to-face course shall remain approved if to be presented by electronic media, so long as the content and the qualifications of the presenter remain the same as previously approved.

(b) Any deadlines for the review and approval of continuing education courses for providers and sponsors are suspended until the state of emergency expires or is rescinded.

6. Disciplinary hearings: Any deadlines related to the scheduling of hearings under KRS Chapter 13B, 310.042, before the Board or a Hearing Officer are suspended until the state of emergency expires or is rescinded.

Lora Arnold Parks RD/NLD/CSG

LORA ARNOLD PARKS, R.D.N.
BOARD CHAIR