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### MEMORANDUM

TO: Catherine Falconer, General Counsel, Department of Professional Licensing, Office of Legal Services

FROM: Ange Darnell, Regulations Compiler

RE: Acknowledgement of Proposed Ordinary & Emergency Regulation – 201 KAR 028:240 & E.

DATE: July 6, 2026

A copy of the ordinary and emergency administrative regulations listed above are enclosed for your files. The information below provides an overview of the standard KRS Chapter 13A timeline. Please note that effective dates or expiration dates may be impacted by legislation or other statutes.

#### Emergency regulation

Pursuant to KRS 13A.190, an emergency administrative regulation becomes effective upon filing with our office and, unless an extension on the accompanying ordinary is requested, is set to expire either in 270 days (for this regulation on **April 2, 2027**) or when replaced by its corresponding ordinary regulation, whichever occurs first. This emergency regulation is tentatively scheduled for full review by the Administrative Regulation Review Subcommittee at its **SEPTEMBER 2026** meeting. We will notify you of the date and time of this meeting once it has been scheduled. Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration for this emergency regulation would be due **by noon on September 15, 2026**.

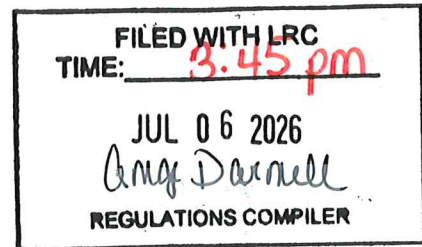
#### Ordinary regulation

This ordinary regulation is tentatively scheduled for full review by the Administrative Regulation Review Subcommittee at its **OCTOBER 2026** meeting. We will notify you of the date and time of this meeting once it has been scheduled. Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration for this ordinary regulation or a one-month extension request would be due **by noon on October 15, 2026**.

Please reference KRS 13A.270 and 13A.280 for other requirements relating to the public hearing and public comment periods and Statements of Consideration.

If you have questions, please contact us at [RegsCompiler@LRC.ky.gov](mailto:RegsCompiler@LRC.ky.gov) or (502) 564-8100.

Enclosures



## STATEMENT OF EMERGENCY

201 KAR 28:240E

Pursuant to KRS 13A.190(1)(a)3. and KRS 319A.310 Section 15.B.1., this emergency amendment to the administrative regulation is being promulgated to comply with the statutory requirements of the Board of Licensure for Occupational Therapy to review any rule adopted by the Occupational Therapy Compact pursuant to Section 10 of KRS 319A.310 within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This amendment incorporates by reference the rules adopted by the Occupational Therapy Compact, as updated on May 6, 2026.

KRS 319A.310 Section 15.B.1. requires that this emergency amendment be promulgated, and therefore the filing of the ordinary amendment alone is not sufficient. This emergency amended administrative regulation will be replaced by an ordinary amended administrative regulation. The ordinary amendment filed with this emergency amendment is identical.

Jill Phelps, Board Chair  
Kentucky Board of Licensure for Occupational Therapy  
Date: May 14, 2026

Andy Beshear, Governor  
Commonwealth of Kentucky  
Date: July 2, 2026

1   BOARDS AND COMMISSIONS

2   KENTUCKY BOARD OF LICENSURE FOR OCCUPATIONAL THERAPY

3   (Emergency Amendment)

4   201 KAR 28:240E. Occupational Therapy Licensure Compact.

5   RELATES TO: KRS 319A.310

6   STATUTORY AUTHORITY: KRS 319A.070(1), (3), 319A.310

7   NECESSITY, FUNCTION, AND CONFORMITY: KRS 319A.310, Section 15.B.1. requires the

8   Board of Licensure for Occupational Therapy to review any rule adopted by the Occupational

9   Therapy Compact Commission pursuant to Section 10 of the Compact within sixty (60) days of

10   adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to

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

12   pursuant to KRS Chapter 13A. This administrative regulation incorporates by reference the rules

13   adopted by the Occupational Therapy Compact Commission.

14   Section 1. The Board of Licensure for Occupational Therapy shall comply with all rules of the

15   Occupational Therapy Compact, which includes the Occupational Therapy Compact Rules as of

16   May 6, 2026 [~~October 30, 2025~~].

17   Section 2. Incorporation by Reference.

18   (1) The following material is incorporated by reference: "The Occupational Therapy Compact

19   Rules", May 6, 2026 [~~October 30, 2025~~] and as revised.

20   (a) Definitions, adopted March 20, 2024;

(b) Data System Reporting Requirements, adopted March 20, 2024 and amended October 30, 2025;[.]

(c) Implementation of Federal Bureau of Investigations Criminal Background (FBI CBC) Requirement, adopted April 16, 2025 and amended October 30, 2025;[.]

(d) Member State Implementation, adopted April 16, 2025;[.]

(e) Occupational Therapy Compact Fees: Administrative and State, adopted April 16, 2025;

(f) Occupational Therapy National Exam Definition, adopted April 16, 2025;[.]

(g) Member State Default, Non-Compliance, and Dispute Resolution, adopted May 6, 2026;

(h) Converting a Privilege to Practice to a Home State License, adopted May 6, 2026; and

(i) Joint Investigations, adopted May 6, 2026.

(2)

(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Licensure for Occupational Therapy, 500 Mero Street, Frankfort, Kentucky 40601[2], Monday through Friday, 8 am to 4:30 p.m.; or

(b) This material may also be obtained on the Board of Licensure for Occupational Therapy website at <https://bot.ky.gov/>.

(3) This material may also be obtained at:

(a) The Occupational Therapy Compact Commission, 201 Park Washington Court, Falls Church, Virginia 22046; or

(b) <https://otcompact.gov/ot-compact-commission/governance-documents/>.

201 KAR 28:240E

APPROVED BY AGENCY:

A handwritten signature in cursive script that reads "Rhonda Jill Phelps". The signature is written in dark ink and is positioned above a horizontal line.

Jill Phelps  
Chair, Board of Licensure for Occupational Therapy

APPROVED: May 14, 2026