



**Administrative Regulation Review Subcommittee  
Meeting Agenda  
Tuesday, September 11, 2018 1:00 PM  
Annex Room 149**



- 1. Call to Order and Roll Call**
- 2. Regulations for Committee Review**

**FINANCE AND ADMINISTRATION CABINET**

**Executive Branch Ethics Commission**

[009 KAR 1:015 & E.](#) Pre-administrative proceedings. ("E" expires 1-7-2019)

[009 KAR 1:030 & E.](#) Administrative hearings. ("E" expires 1-7-2019)

**AGRICULTURAL EXPERIMENT STATION**

**Commercial Feeds**

[012 KAR 002:006.](#) Definitions for 12 KAR Chapter 2.

[012 KAR 002:011.](#) Label format.

[012 KAR 002:016.](#) Brand and product names.

[012 KAR 002:017.](#) Product purpose statement.

[012 KAR 002:018.](#) Guaranteed analysis.

[012 KAR 002:021.](#) Expression of guarantees.

[012 KAR 002:026.](#) Ingredients.

[012 KAR 002:031.](#) Directions for use and precautionary statements.

[012 KAR 002:036.](#) Non-protein.

[012 KAR 002:041.](#) Drug and feed additives.

[012 KAR 002:046.](#) Poisonous or deleterious substances.

[012 KAR 002:051.](#) Manufacturing conditions.

[012 KAR 002:056.](#) List of manufacturers.

[012 KAR 002:061.](#) Registration.

[012 KAR 002:066.](#) Suitability.

**COUNCIL ON POSTSECONDARY EDUCATION**

**Public Educational Institutions**

[013 KAR 002:020.](#) Guidelines for admission to the state-supported postsecondary education institutions.

**OFFICE OF THE ATTORNEY GENERAL**

**Office of Consumer Protection**

[040 KAR 002:345 & E.](#) Visual aid glasses seller annual registration requirements. ("E" expires 12-29-2018)

## **PUBLIC PROTECTION CABINET**

### **Department of Professional Licensing: Kentucky Athlete Agent Registry: Division of Occupations and Professions, Athlete Agents**

[200 KAR 030:011](#). Repeal of 200 KAR 030:010, 030:020, 030:030, 030:040, and 030:070.

#### **Registry**

[830 KAR 002:001](#). Definitions.

[830 KAR 002:010](#). Registration and fees.

[830 KAR 002:020](#). Complaints.

## **BOARDS AND COMMISSIONS**

### **Board of Cosmetology**

[201 KAR 012:251](#). Repeal of 201 KAR 12:085, 201 KAR 12:088, 201 KAR 12:120, 201 KAR 12:180, and 201 KAR 12:250. (Deferred from August)

[201 KAR 012:280](#). Esthetic practices restrictions. (Not Amended After Comments)

### **Board of Nursing**

[201 KAR 020:490](#). Licensed practical nurse infusion therapy scope of practice

### **Board of Physical Therapy**

[201 KAR 022:020](#). Eligibility and credentialing procedure.

[201 KAR 022:040](#). Procedure for renewal or reinstatement of a credential for a physical therapist or physical therapist assistant.

[201 KAR 022:170](#). Physical Therapy Compact Commission.

## **TOURISM, ARTS AND HERITAGE CABINET**

### **Department of Fish and Wildlife: Fish**

[301 KAR 001:201](#). Taking of fish by traditional fishing methods.

[301 KAR 001:410](#). Taking of fish by nontraditional fishing methods.

## **ENERGY AND ENVIRONMENT CABINET**

### **Office of the Secretary: Administration**

[400 KAR 001:001 & E](#). Definitions for 400 KAR Chapter 1. ("E" expires 1-9-2019)

[400 KAR 001:040 & E](#). Administrative discovery. ("E" expires 1-9-2019)

[400 KAR 001:090 & E](#). Administrative hearings practice provisions. ("E" expires 1-9-2019)

[400 KAR 001:100 & E](#). General administrative hearing practice provisions relating to matters brought under KRS Chapters 146, 149, 151, 223, 224, and 353. ("E" expires 1-9-2019)

[400 KAR 001:110 & E](#). Administrative hearings relating to matters brought under KRS Chapter 350.310 through 351.375. ("E" expires 1-9-2019)

### **Department of Natural Resources: Division of Oil and Gas**

[805 KAR 001:210 & E](#). Comment period for pooling of oil and gas shallow wells. ("E" expires 1-9-2019)

## **Department for Environmental Protection: Division of Water: Water Quality**

[401 KAR 005:002](#). Definitions for 401 KAR Chapter 5. (Amended After Comments)

[401 KAR 005:005](#). Permits to construct, modify, or operate a facility. (Amended After Comments)

[401 KAR 005:006](#). Wastewater planning requirements for regional planning agencies. (Not Amended After Comments)

[401 KAR 005:015](#). Releases to be reported to the division. (Amended After Comments)

[401 KAR 005:037](#). Groundwater protection plans. (Amended After Comments)

[401 KAR 005:039](#). Repeal of 401 KAR 5:035, 5:057, 5:070, and 5:300. (Deferred from July)

[401 KAR 005:045](#). Treatment requirements; compliance; biochemically degradable wastes. (Deferred from July)

[401 KAR 005:050](#). General provisions of KPDES permitting program. (Not Amended After Comments)

[401 KAR 005:052](#). Requirements applicable to cooling water intake structures of facilities regulated by Section 316(b) of the Clean Water Act, 33 U.S.C. 1326(b). (Not Amended After Comments)

[401 KAR 005:055](#). Scope of applicability of the KPDES program and pretreatment requirements. (Not Amended After Comments)

[401 KAR 005:060](#). KPDES application requirements. (Not Amended After Comments)

[401 KAR 005:065](#). KPDES permit conditions. (Not Amended After Comments)

[401 KAR 005:075](#). Cabinet review procedures for KPDES permits and permit timetables for 401 KAR Chapter 5. (Not Amended After Comments)

[401 KAR 005:080](#). Criteria and standards for the Kentucky Pollutant Discharge Elimination System. (Not Amended After Comments)

[401 KAR 005:320](#). Wastewater Laboratory Certification Program. (Amended After Comments)

## **EDUCATION AND WORKFORCE DEVELOPMENT CABINET**

### **Board of Education: Department of Education: Office of Learning Programs Development: Office of Instruction**

[704 KAR 003:015](#). Kentucky All STARS for Preschool Programs. (Deferred from August)

[704 KAR 003:306](#). Kentucky Academic Standards for Historical and Cultural Influences of the Bible Elective Social Studies Course. (Amended After Comments)

## **PUBLIC PROTECTION CABINET**

### **Department of Alcoholic Beverage Control: Conduct of Business; Employees**

[804 KAR 005:080](#). Vintage distilled spirits. (Deferred from August)

## **ENERGY AND ENVIRONMENT CABINET**

### **Department of Natural Resources: Division of Oil and Gas**

[805 KAR 001:210 & E](#) called above with related regulations [400 KAR 001:001 & E](#), [400 KAR 001:040 & E](#), [400 KAR 001:100 & E](#), and [400 KAR 001:110 & E](#).

## **PUBLIC PROTECTION CABINET**

### **Department of Insurance: Health Insurance Contracts**

[806 KAR 017:020](#). Disclosure of other coverage in application.

[806 KAR 017:091](#). Repeal of 806 KAR 017:010, 806 KAR 017:090, 806 KAR 017:130, 806 KAR 017:310, 806 KAR 017:320, 806 KAR 017:330, 806 KAR 017:440, 806 KAR 017:460, 806 KAR 017:500, 806 KAR 017:540, 806 KAR 017:545, 806 KAR 017:555.

[806 KAR 017:300](#). Provider agreement and risk-sharing agreement filing requirements.

[806 KAR 017:360](#). Prompt payment of claims.

### **Department of Professional Licensing: Kentucky Athlete Agent Registry**

[830 KAR 002:001](#), [830 KAR 002:010](#), and [830 KAR 002:020](#) called above with related regulation [200 KAR 030:011](#).

## **CABINET FOR HEALTH AND FAMILY SERVICES**

### **Department for Public Health: Division of Public Health Protection and Safety: Sanitation**

[902 KAR 010:051](#). Repeal of 902 KAR 10:050.

### **Office of Inspector General: Division of Healthcare: Health Services and Facilities**

[902 KAR 020:008 & E](#). License procedures and fee schedule. ("E" expires 1-9-2019)

[902 KAR 020:251](#). Repeal of 902 KAR 020:250.

[902 KAR 020:260](#). Hospital-owned pain management clinics.

[902 KAR 020:275](#). Freestanding or mobile technology.

[902 KAR 020:401E](#). Repeal of 902 KAR 020:058, 902 KAR 020:145, 902 KAR 020:190, and 902 KAR 020:400. ("E" expires 1-9-2019)

### **Department for Public Health: Division of Public Health Protection and Safety: Food and Cosmetics**

[902 KAR 045:160](#). Kentucky food processing, packaging, storage, and distribution operations.

### **Hazardous Substances**

[902 KAR 047:071](#). Repeal of 902 KAR 047:040, 902 KAR 047:050, 907 KAR 047:060, and 902 KAR 047:070.

### **Controlled Substances**

[902 KAR 055:011E](#). Repeal of 902 KAR 055:010. ("E" expires 1-9-2019)

### **Office of Inspector General: Inspector General**

[906 KAR 001:071E](#). Repeal of 906 KAR 001:050, 906 KAR 001:060, and 906 KAR 001:070.

### 3. REGULATIONS REMOVED FROM SEPTEMBER'S AGENDA

#### STATE BOARD OF ELECTIONS: Forms and Procedures

[031 KAR 004:100 & E.](#) Evaluation of precinct election officers. ("E" expires 12-18-2018)

[031 KAR 004:120 & E.](#) Additional and emergency precinct officers. ("E" expires 12-18-2018)

#### BOARDS AND COMMISSIONS: Board of Nursing

[201 KAR 020:057.](#) Scope and standards of practice of advanced practice registered nurses. (Comments Received; SOC due 9-14-2018)

##### Board of Podiatry

[201 KAR 025:090.](#) Prescribing and dispensing controlled substances. (Deferred from February)

#### JUSTICE AND PUBLIC SAFETY CABINET: Kentucky Law Enforcement Council

[503 KAR 001:110 & E.](#) Department of Criminal justice Training basic training graduation requirements; records. ("E" expires 12-24-2018) (Comments Received; SOC due 9-14-2018)

#### TRANSPORTATION CABINET: Department of Vehicle Regulation: Administration

[601 KAR 002:030 & E.](#) Ignition interlock. ("E" Expires 1-9-2019) (Comments Received; SOC ext., due 9-14-2018)

#### LABOR CABINET: Department of Workers' Claims

[803 KAR 025:089 & E.](#) Workers' Compensation Medical Fee Schedule for Physicians. ("E" Expires 1-7-2019) (Comments Received; SOC ext., due 9-14-2018)

#### PUBLIC PROTECTION CABINET

##### Department of Insurance: Health Insurance Contracts

[806 KAR 017:570.](#) Minimum standards for Medicare supplement insurance policies and certificates. (Comments Received; SOC ext., due 9-14-2018)

##### Department of Charitable Gaming: Charitable Gaming

[820 KAR 001:001.](#) Definitions. (Not Amended After Comments)

[820 KAR 001:005.](#) Charitable gaming licenses and exemptions. (Not Amended After Comments)

[820 KAR 001:011.](#) Repeal of 820 KAR 1:010, 1:015, 1:016, 1:017, 1:026, 1:027, 1:028, 1:029, 1:033, 1:034, 1:036, 1:044, 1:056, 1:058, 1:100, 1:110, 1:120. (Not Amended After Comments)

[820 KAR 001:025.](#) Reports. (Not Amended After Comments)

[820 KAR 001:032.](#) Pulltabs. (Amended After Comments)

[820 KAR 001:042.](#) Bingo. (Not Amended After Comments)

[820 KAR 001:050.](#) Raffles. (Amended After Comments)

[820 KAR 001:055.](#) Charity fundraising event standards. (Deferred from July)

[820 KAR 001:057.](#) Recordkeeping. (Amended After Comments)

[820 KAR 001:060.](#) Prohibited conduct. (Amended After Comments)

[820 KAR 001:125.](#) Gaming inspections. (Not Amended After Comments)

[820 KAR 001:130.](#) Administrative actions. (Not Amended After Comments)

[820 KAR 001:135.](#) Disposal of gaming supplies. (Deferred from July)

**CABINET FOR HEALTH AND FAMILY SERVICES: Department for Medicaid Services: Division of Policy and Operations: Medicaid**

[895 KAR 001:001 & E](#). Definitions for 895 KAR Chapter 001. ("E" withdrawn by agency, 7-2-2018)(Comments Received; SOC due 9-14-2018)

[895 KAR 001:010 & E](#). Eligibility for Kentucky HEALTH program. ("E" withdrawn by agency, 7-2-2018) (Comments Received; SOC due 9-14-2018)

[895 KAR 001:015 & E](#). Premium payments within the Kentucky HEALTH programs. ("E" withdrawn by agency, 7-2-2018) (Comments Received; SOC due 9-14-2018)

[895 KAR 001:020 & E](#). PATH requirement for the Kentucky HEALTH program. ("E" withdrawn by agency, 7-2-2018) (Comments Received; SOC due 9-14-2018)

[895 KAR 001:025 & E](#). Beneficiary premiums. ("E" withdrawn by agency, 7-2-2018) (Comments Received; SOC due 9-14-2018)

[895 KAR 001:030 & E](#). Establishment and use of the MyRewards program. ("E" withdrawn by agency, 7-2-2018) (Comments Received; SOC due 9-14-2018)

[895 KAR 001:035 & E](#). Covered services within the Kentucky HEALTH program. ("E" withdrawn by agency, 7-2-2018) (Comments Received; SOC due 9-14-2018)

[895 KAR 001:040 & E](#). Deductible accounts within the Kentucky HEALTH program. ("E" withdrawn by agency, 7-2-2018) (Comments Received; SOC due 9-14-2018)

[895 KAR 001:045 & E](#). Accommodation, modifications, and appeals for beneficiaries participating in the Kentucky HEALTH program. ("E" withdrawn by agency, 7-2-2018) (Comments Received; SOC due 9-14-2018)

[895 KAR 001:050 & E](#). Enrollment and reimbursement for providers in the Kentucky HEALTH program. ("E" withdrawn by agency, 7-2-2018) (Comments Received; SOC due 9-14-2018)

[895 KAR 001:055 & E](#). Designation or determination of medically frail status or accommodation due to temporary vulnerability in the Kentucky HEALTH program. ("E" withdrawn by agency, 7-2-2018) (Comments Received; SOC due 9-14-2018)

**Office of Inspector General: Division of Certificate of Need: State Health Plan**

[900 KAR 005:020 & E](#). State Health Plan for facilities and services. ("E" expires 1-9-2019) (Comments Received; SOC due 9-14-2018)

**Radiology**

[902 KAR 100:018](#). Repeal of 902 KAR 100:017, 902 KAR 100:060, and 902 KAR 100:090.(Deferred from September)

[902 KAR 100:022](#). Licensing requirements for land disposal of radioactive waste. (Comments Received; SOC due 9-14-2018)

[902 KAR 100:052](#). Specific domestic licenses of broad scope for by product material. (Deferred from September)

[902 KAR 100:070](#). Packaging and transportation of radioactive material. (Comments Received; SOC due 9-14-2018)

[902 KAR 100:072](#). Medical use of byproduct material. (Comments Received; SOC due 9-14-2018)

[902 KAR 100:100](#). Licenses for industrial radiography and radiation safety requirements for industrial radiographic operations. (Comments Received; SOC due 9-14-2018)

[902 KAR 100:142](#). Licenses and radiation safety requirements for well logging. (Comments Received; SOC due 9-14-2018)

**Office of Inspector General: Inspector General**

[906 KAR 001:190](#). Kentucky National Background Check Program (NBCP). (Comments Received; SOC ext., due 9-14-2018)

**Department for Medicaid Services**

[907 KAR 001:642 & E](#). Adult group 07-2018 benefit plan and copayments. ("E" withdrawn by agency, 7-27-2018) (Comments Received; SOC due 9-14-2018)

**Department for Community Based Services: Division of Family Support: Supplemental Nutrition Assistance Program**

[921 KAR 003:025](#). Technical requirements. (Deferred from August)

[921 KAR 003:035](#). Certification process. (Comments Received; SOC ext., due 9-14-2018)

**Division of Protection and Permanency: Child Welfare**

[922 KAR 001:560 & E](#). Putative father registry and operating procedures. ("E" expires 1-9-2019) (Comments Received; SOC ext., due 10-15-2018)