



**Administrative Regulation Review Subcommittee
Meeting Agenda
Wednesday, January 9, 2019, 11:00 AM
Annex Room 149**



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

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

**Kentucky Higher Education Assistance Authority
Division of Student and Administrative Services**

[011 KAR 004:080](#). Student aid applications.

Education Processional Standards Board

Teaching Certificates

[016 KAR 002:100](#). Junior reserve officers training corps.

[016 KAR 002:210](#). Provisional and professional certificate for orientation and mobility specialist.

Advanced Certification and Rank

[016 KAR 009:040](#). Part-time adjunct instructor certificate.

BOARDS AND COMMISSIONS

Board of Cosmetology

[201 KAR 012:030](#). Licensing, permits, and examinations.

[201 KAR 012:082](#). Education requirements and school administration.

[201 KAR 012:260](#). Fees.

DEPARTMENT OF AGRICULTURE

Office of the Commissioner

Referendums

[302 KAR 001:011](#). Repeal of 302 KAR 001:010, 302 KAR 001:020, 302 KAR 001:030, 302 KAR 001:035, 302 KAR 001:040, 302 KAR 001:050, 302 KAR 001:055, 302 KAR 001:070, and 302 KAR 001:080.

Regulation and Inspection; General

[302 KAR 077:011](#). Repeal of 302 KAR 007:010 and 302 KAR 077:030.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Board of Education: Department of Education

Office of Chief State School Officer

[701 KAR 005:150](#). Nontraditional Instruction Program. (Not Amended After Comments)

Office of Learning Programs Development

Office of Instruction

[704 KAR 003:292](#). Education of migratory children. (Not Amended After Comments)

[704 KAR 003:303](#). Required academic standards. (Not Amended After Comments)

[704 KAR 003:305](#). Minimum requirements for high school graduation. (Amended After

Comments) (*Deferred during January Meeting*)

[704 KAR 003:365](#). Complaint procedures for programs under the Elementary and Secondary Education act of 1965. (Not Amended After Comments)

Office of Chief State School Officer

Academic Standards

[704 KAR 008:020](#). Kentucky Academic Standards for Reading and Writing. (Deferred from December)

[704 KAR 008:040](#). Kentucky Academic Standards for Mathematics. (Deferred from December)

PUBLIC PROTECTION CABINET

Department of Alcoholic Beverage Control

Advertising Distilled Spirits and Wine

[804 KAR 001:070](#). Product development and marketing samples.

[804 KAR 001:110](#). Consumer sampling events.

Malt Beverage, Equipment, Supplies, and Service

[804 KAR 011:031](#). Repeal of 804 KAR 011:030.

CABINET FOR HEALTH AND FAMILY SERVICES

Office of Inspector General: Division of Health Care

Long-term Care

[900 KAR 002:021](#). Repeal of 900 KAR 002:020. (Deferred from November)

[900 KAR 002:040](#). Citations and violations; criteria and specific acts. (Amended After Comments)

Department of Public Health

Food and Cosmetics

[902 KAR 045:005](#). Kentucky food code. (Amended After Comments)

[902 KAR 045:007](#). Repeal of 902 KAR 045:006 and 902 KAR 045:140. (Not Amended After Comments)

[902 KAR 045:090](#). Home-based processors and farmers market home-based microprocessors. (Amended After Comments)

Department for Medicaid Services

Occupational, Physical, and Speech Therapy

[907 KAR 008:040](#). Coverage of occupational therapy, physical therapy, and speech-language pathology services provided by various entities. (Deferred from December)

Department for Community Based Services: Division of Family Support

Supplemental Nutrition Assistance Program

[921 KAR 003:050](#). Claims and additional administrative provisions.

**Department for Community Based Services: Division of Protection and Permanency
Child Welfare**

[922 KAR 001:010](#). Independent non-relative adoptions. (Amended After Comments)

[922 KAR 001:100 & E](#). Public agency adoptions. ("E" expires 04-14-2019) (Amended After Comments)

3. REGULATIONS REMOVED FROM JANUARY'S AGENDA

FINANCE AND ADMINISTRATION CABINET: Department of Revenue

Income Tax; Corporations

[103 KAR 016:151](#). Repeal of 103 KAR 016:100, 103 KAR 016:110, 103 KAR 016:120, 103 KAR 016:130, 103 KAR 016:145, and 103 KAR 016:150. (Deferred from January)

[103 KAR 016:270](#). Apportionment; receipts factor.(Comments Received; SOC due 01-15-2019)

BOARDS AND COMMISSIONS

Board of Pharmacy

[201 KAR 002:370](#). Pharmacy services in long-term care facility (LTCF). (Amended After Comments) (Deferred from December)

Board of Nursing

[201 KAR 020:056](#). Advanced practice registered nurse licensure and certification requirements. (Deferred from January)

[201 KAR 020:062](#). Standards for advanced practice registered nurse (APRN) programs of nursing. (Deferred from January)

[201 KAR 020:161](#). Investigation and disposition of complaints. (Deferred from January)

[201 KAR 020:162](#). Disciplinary proceedings. (Deferred from January)

[201 KAR 020:215](#). Continuing competency requirements. (Deferred from January)

[201 KAR 020:220](#). Nursing continuing education provider approval. (Deferred from January)

[201 KAR 020:226](#). Repeal of 201 KAR 020:235, 201 KAR 020:420, 201 KAR 020:430, 201 KAR 020:440, and 201 KAR 020:460. (Deferred from January)

[201 KAR 020:240](#). Fees for applications and for services. (Deferred from January)

[201 KAR 020:260](#). Organization and administration standards for prelicensure registered nurse or practical nurse programs of nursing. (Deferred from January)

[201 KAR 020:280](#). Standards for developmental status, initial status, and approval of prelicensure registered nurse and practical nurse programs. (Deferred from January)

[201 KAR 020:310](#). Faculty for prelicensure registered nurse and practical nurse programs. (Deferred from January)

[201 KAR 020:320](#). Standards for curriculum of prelicensure registered nurse and practical nurse programs. (Comments Received; SOC due 01-15-2019)

[201 KAR 020:340](#). Students in prelicensure registered nurse and practical nurse programs. (Deferred from January)

[201 KAR 020:350](#). Educational facilities and resources for pre-licensure registered nurse and practical nurse programs. (Deferred from January)

[201 KAR 020:360](#). Continuing approval and periodic evaluation (Deferred from January)

[201 KAR 020:362](#). Fines for programs of nursing. (Deferred from January)

[201 KAR 020:411](#). Sexual Assault Nurse Examiner Program standards and credential requirements. (Comments Received; SOC due 01-15-2019)

Board of Social Work

[201 KAR 023:150](#). Complaint procedure, disciplinary action, and reconsideration. (Deferred from December)

Board of Licensure for Marriage and Family Therapists

[201 KAR 032:110](#). Telehealth. (Comments Received, SOC due 01-15-2019)

ENERGY AND ENVIRONMENT CABINET: Office of Kentucky Nature Preserves

[400 KAR 002:060](#). Definitions. (Deferred from January)

[400 KAR 002:070](#). The Office of Kentucky Nature Preserves. (Deferred from January)

[400 KAR 002:080](#). Dedication of nature preserves and registration of natural areas. (Deferred from January)

[400 KAR 002:090](#). Management, use, and protection of nature preserves and natural areas. (Deferred from January)

[400 KAR 002:100](#). Hearings and appeals. (Deferred from January)

Rare Plant Recognition

[400 KAR 003:010](#). Definitions for 400 KAR Chapter 3. (Deferred from January)

[400 KAR 003:020](#). Criteria for identifying and designating endangered or threatened species of plants. (Deferred from January)

[400 KAR 003:030](#). Procedures for inclusion, removal or change of status of plant species on the state endangered or threatened list. (Deferred from January)

[400 KAR 003:040](#). Endangered or threatened plant list. (Deferred from January)

Wild Rivers

[400 KAR 004:110](#). Definitions for 400 KAR Chapter 4. (Deferred from January)

[400 KAR 004:125](#). Wild rivers administration. (Deferred from January)

[400 KAR 004:130](#). Wild rivers change of use permit procedures. (Deferred from January)

[400 KAR 004:140](#). Wild rivers change of use permit standards. (Deferred from January)

Division of Waste Management: Hazardous Waste

[401 KAR 039:060](#). General requirements. (Deferred from December)

[401 KAR 039:080](#). Hazardous waste handlers. (Deferred from December)

[401 KAR 039:090](#). Hazardous waste permit program. (Deferred from December)

Enforcement and Compliance Monitoring

[401 KAR 040:051](#). Repeal of 401 KAR 040:050. (Deferred from December)

Underground Storage Tanks

[401 KAR 042:005](#). Definitions for 401 KAR Chapter 042. (Comments Received; SOC ext., due 01-15-2019)

[401 KAR 042:020](#). UST system requirements, notification, registration, and annual fees. (Comments Received; SOC ext., due 01-15-2019)

[401 KAR 042:060](#). UST system release and corrective action requirements. (Comments Received; SOC ext., due 01-15-2019)

[401 KAR 042:250](#). Petroleum Storage Tank Environmental Assurance Fund reimbursement. (Comments Received; SOC ext., due 01-15-2019)

[401 KAR 042:330](#). Small Owners Tank Removal Account. (Comments Received; SOC ext., due 01-15-2019)

[401 KAR 042:341](#). Repeal of 401 KAR 042:011, 042:030, 042:040, 042:045, 042:050, 042:070, 042:080, 042:090, 042:095, 042:200, 042:290, 042:300, 042:316, 042:320, 042:335, and 042:340. (Comments Received; SOC ext., due 01-15-2019)

Office of Kentucky Nature Preserves: General Administrative Procedures

[418 KAR 001:010](#). Definitions for 418 KAR Chapter 1. (Deferred from January)

- [418 KAR 001:020](#). Administrative procedures of the board. (Deferred from January)
- [418 KAR 001:040](#). Grant applications. (Deferred from January)
- [418 KAR 001:050](#). Procedures for acquisition of land. (Deferred from January)
- [418 KAR 001:060](#). Management. (Deferred from January)
- [418 KAR 001:070](#). Remedies. (Deferred from January)

JUSTICE AND PUBLIC SAFETY CABINET: Special Law Enforcement Officers

- [500 KAR 002:020](#). Filing and processing SLEO commissions. (Deferred from January)
- [500 KAR 002:030](#). Special law enforcement officers: evaluation examination. (Deferred from December)

Department of Juvenile Justice: Child Welfare

- [505 KAR 001:110](#). Department of Juvenile Justice Policy and Procedures Manual: program services. (Comments Received; SOC due 01-15-2019)
- [505 KAR 001:180](#). Department of Juvenile Justice Policy and Procedures Manual: day treatment services. (Comments Received; SOC due 01-15-2019)

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

- ~~[601 KAR 002:030 & E](#). Ignition interlock. ("E" Expires 1-9-2019) (Not Amended After Comments) (Deferred from October) (Withdrawn by agency 1-8-2019)~~

PUBLIC PROTECTION CABINET: Department of Insurance:

Administration

- [806 KAR 002:092](#). Disclosure of local government taxes and collection fee. (Deferred from December)
- [806 KAR 002:100](#). Disclosure of insurance premium surcharge. (Deferred from December)
- [806 KAR 002:121](#). Repeal of 806 KAR 002:120 and 806 KAR 002:150. (Deferred from December)

Kinds of Insurance; Limits of Risk; Reinsurance

- [806 KAR 005:011](#). Repeal of 806 KAR 005:010 and 806 KAR 005:020. (Deferred from December)

Surplus Lines

- [806 KAR 010:030](#). Surplus lines reporting and tax payment structure. (Comments Received; SOC due 01-15-2019)

Horse Racing Commission: Thoroughbred Racing

- [810 KAR 001:301](#). Repeal of 810 KAR 001:004, 810 KAR 001:005, 810 KAR 001:007, 810 KAR 001:008, 810 KAR 001:009, 810 KAR 001:010, 810 KAR 001:012, 810 KAR 001:014, 810 KAR 001:015, 810 KAR 001:016, 810 KAR 001:017, 810 KAR 001:018, 810 KAR 001:021, 810 KAR 001:024, 810 KAR 001:026, 810 KAR 001:027, 810 KAR 001:028, 810 KAR 001:029, 810 KAR 001:030, 810 KAR 001:037, 810 KAR 001:040, 810 KAR 001:050, 810 KAR 001:060, 810 KAR 001:070, 810 KAR 001:080, 810 KAR 001:090, 810 KAR 001:100, 810 KAR 001:110, 810 KAR 001:130, 810 KAR 001:140, 810 KAR 001:145, 810 KAR 001:150, and 810 KAR 001:300. (Deferred from January)

General

- [810 KAR 002:001](#). Definitions. (Comments Received; SOC due 01-15-2019)
- [810 KAR 002:010](#). Racing commission and administrative staff. (Deferred from January)
- [810 KAR 002:020](#). Thoroughbred and flat racing officials. (Deferred from January)
- [810 KAR 002:030](#). Chemical dependency. (Comments Received; SOC due 01-15-2019)
- [810 KAR 002:040](#). Stewards. (Deferred from January)

[810 KAR 002:050](#). Judges and Standardbred racing officials. (Deferred from January)

[810 KAR 002:060](#). Owners' authorized agents and jockey agents. (Deferred from January)

[810 KAR 002:070](#). Thoroughbred and other flat racing associations. (Comments Received; SOC due 01-15-2019)

[810 KAR 002:080](#). Standardbred racing associations. (Deferred from January)

Licensing

[810 KAR 003:001](#). Definitions. (Deferred from January)

[810 KAR 003:010](#). Licensing of racing associations. (Deferred from January)

[810 KAR 003:020](#). Licensing of racing participants. (Deferred from January)

[810 KAR 003:030](#). Licensing totalizator companies. (Deferred from January)

[810 KAR 003:040](#). Advance deposit account wagering. (Deferred from January)

[810 KAR 003:050](#). Simulcast facilities. (Deferred from January)

Flat and Steeplechase Racing

[810 KAR 004:001](#). Definitions. (Comments Received; SOC due 01-15-2019)

[810 KAR 004:010](#). Horses. (Comments Received; SOC due 01-15-2019)

[810 KAR 004:020](#). Weights. (Comments Received; SOC due 01-15-2019)

[810 KAR 004:030](#). Entries, subscriptions, and declarations. (Deferred from January)

[810 KAR 004:040](#). Running of the race. (Deferred from January)

[810 KAR 004:050](#). Claiming races. (Comments Received; SOC due 01-15-2019)

[810 KAR 004:060](#). Objections and complaints. (Deferred from January)

[810 KAR 004:070](#). Jockeys and apprentices. (Deferred from January)

[810 KAR 004:080](#). Steeplechase racing. (Deferred from January)

[810 KAR 004:090](#). Owners. (Deferred from January)

[810 KAR 004:100](#). Trainers. (Deferred from January)

Standardbred Racing

[810 KAR 005:001](#). Definitions. (Deferred from January)

[810 KAR 005:010](#). Registration and identification of horses. (Deferred from January)

[810 KAR 005:020](#). Eligibility and classification. (Deferred from January)

[810 KAR 005:030](#). Claiming races. (Deferred from January)

[810 KAR 005:040](#). Farm, corporate, or stable name. (Deferred from January)

[810 KAR 005:050](#). Stakes and futurities. (Deferred from January)

[810 KAR 005:060](#). Entries and starters. (Deferred from January)

[810 KAR 005:070](#). Running of the race. (Deferred from January)

[810 KAR 005:080](#). Harness racing and county fairs. (Deferred from January)

Pari-Mutuel Wagering

[810 KAR 006:020](#). Calculation of payouts and distribution of pools. (Deferred from January)

Incentive and Development Funds

[810 KAR 007:010](#). Backside improvement fund. (Deferred from January)

[810 KAR 007:020](#). Kentucky thoroughbred breeders' incentive fund. (Deferred from January)

[810 KAR 007:030](#). Kentucky thoroughbred development fund. (Deferred from January)

[810 KAR 007:040](#). Kentucky Standardbred development fund and Kentucky Standardbred breeders' incentive fund. (Deferred from January)

[810 KAR 07:060](#). Kentucky Quarter Horse, Paint Horse, Appaloosa, and Arabian development fund. (Deferred from January)

[810 KAR 007:070](#). Violations, discipline, disputes, and investigation. (Deferred from January)

Medication Guidelines

[810 KAR 008:010](#). Medication; testing procedures; prohibited practices. (Comments Received; SOC due 01-15-2019)

[810 KAR 008:020](#). Drug, medication, and substance classification schedule and withdrawal guidelines. (Comments Received; SOC due 01-15-2019)

[810 KAR 008:030](#). Disciplinary measures and penalties. (Comments Received; SOC due 01-15-2019)

[810 KAR 008:040](#). Out-of-competition testing. (Comments Received; SOC due 01-15-2019)

[810 KAR 008:050](#). International medication protocol as condition of a race. (Comments Received; SOC due 01-15-2019)

[810 KAR 008:060](#). Post-race sampling and testing procedures. (Deferred from January)

Hearings and Appeals

[810 KAR 009:010](#). Hearings, reviews and appeals. (Comments Received; SOC due 01-15-2019)

Harness Racing

[811 KAR 001:301](#). Repeal of 811 KAR 001:010, 811 KAR 001:015, 811 KAR 001:020, 811 KAR 001:025, 811 KAR 001:030, 811 KAR 001:035, 811 KAR 001:037, 811 KAR 001:040, 811 KAR 001:045, 811 KAR 001:050, 811 KAR 001:055, 811 KAR 001:060, 811 KAR 001:065, 811 KAR 001:070, 811 KAR 001:075, 811 KAR 001:080, 811 KAR 001:085, 811 KAR 001:90, 811 KAR 001:093, 811 KAR 001:095, 811 KAR 001:100, 811 KAR 001:105, 811 KAR 001:110, 811 KAR 001:115, 811 KAR 001:120, 811 KAR 001:130, 811 KAR 001:140, 811 KAR 001:150, 811 KAR 001:185, 811 KAR 001:215, 811 KAR 001:220, 811 KAR 001:225, 811 KAR 001:230, 811 KAR 001:260, 811 KAR 001:280, 811 KAR 001:285, 811 KAR 001:290, and 811 KAR 001:300. (Deferred from January)

Quarter Horse, Paint Horse, Appaloosa, and Arabian Racing

[811 KAR 002:301](#). Repeal of 811 KAR 002:015, 811 KAR 002:020, 811 KAR 002:030, 811 KAR 002:035, 811 KAR 002:040, 811 KAR 002:045, 811 KAR 002:050, 811 KAR 002:056, 811 KAR 002:065, 811 KAR 002:070, 811 KAR 002:075, 811 KAR 002:080, 811 KAR 002:085, 811 KAR 002:090, 811 KAR 002:093, 811 KAR 002:096, 811 KAR 002:100, 811 KAR 002:105, 811 KAR 002:110, 811 KAR 002:130, 811 KAR 002:140, 811 KAR 002:150, 811 KAR 002:170, 811 KAR 002:180, 811 KAR 002:185, 811 KAR 002:190, 811 KAR 002:200, and 811 KAR 002:300. (Deferred from January)

Real Estate Authority: Board of Home Inspectors

[815 KAR 006:001](#). Definitions for 815 KAR Chapter 6. (Not Amended After Comments) (Deferred from January)

[815 KAR 006:010](#). Licensing requirements. (Amended After Comments) (Deferred from January)

[815 KAR 006:030](#). Standards of conduct, complaints, and discipline. (Not Amended After Comments) (Deferred from January)

[815 KAR 006:040](#). Education requirements and providers. (Amended After Comments) (Deferred from January)

[815 KAR 006:101](#). Repeal of 815 KAR 006:020, 815 KAR 006:080, 815 KAR 006:090, and 815 KAR 006:100. (Not Amended After Comments) (Deferred from January)

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Inspector General: Division of Certificate of Need: Certificate of Need

[900 KAR 006:075 & E](#). Certificate of need nonsubstantive review. ("E" expires 04-22-2019) (Comments Received; SOC ext. due 01-15-2019)

Department of Medicaid Services: Division of Policy and Operations

Medicaid Services

[907 KAR 001:560 & E.](#) Medicaid hearings and appeals regarding eligibility. ("E" expires 5-31-2019) (Comments Received; SOC ext., due 02-15-2019)

[907 KAR 001:563 & E.](#) Medicaid covered services appeals and hearings unrelated to managed care. ("E" expires 5-31-2019) (Comments Received; SOC ext., due 02-15-2019)

Department for Community Based Services: Division of Family Support

K-TAP, Kentucky Works, Welfare to Work, State Supplementation

[921 KAR 002:055 & E.](#) Hearings and appeals. ("E" expires 5-31-2019) (Comments Received; SOC ext., due 02-15-2019)

Supplemental Nutrition Assistance Program

[921 KAR 003:060 & E.](#) Administrative disqualification hearings and penalties. ("E" expires 4-30-2019) (Deferred from January)

[921 KAR 003:070 & E.](#) Fair hearings. ("E" expires 4-30-2019) (Deferred from January)

Division of Protection and Permanency

Child Welfare

[922 KAR 001:050.](#) State funded adoption assistance. (Comments Received; SOC ext., due 01-15-2019)

[922 KAR 001:530.](#) Post-adoption placement stabilization services. (Comments Received; SOC ext., due 01-15-2019)