



**Administrative Regulation Review Subcommittee
Meeting Agenda
Monday, February 11, 2019, 1:00 PM
Annex Room 149**



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

FINANCE AND ADMINISTRATION CABINET

Department of Revenue

Income Tax; Corporations

[103 KAR 016:250](#). Net operating loss computation and deduction for corporations.

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. (Not Amended After Comments)

[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. (Not Amended After Comments)

Board of Physical Therapy

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

TOURISM, ARTS, AND HERITAGE CABINET

Department of Fish and Wildlife Resources

Fish

[301 KAR 001:152 & E](#). Asian Carp and Scaled Rough Fish Harvest Program. ("E" expires 5-18-2019)

[301 KAR 001:155](#). Commercial fishing requirements.

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)

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)

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. (Amended After Comments)

[401 KAR 042:020](#). UST system requirements, notification, registration, and annual fees. (Amended After Comments)

[401 KAR 042:060](#). UST system release and corrective action requirements. (Amended After Comments)

[401 KAR 042:250](#). Petroleum Storage Tank Environmental Assurance Fund reimbursement. (Amended After Comments)

[401 KAR 042:330](#). Small Owners Tank Removal Account. (Amended After Comments)

[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. (Deferred from December)

Office of Kentucky Nature Preserves: General Administrative Procedures

481 KAR 1:010, 418 KAR 1:020, , 418 KAR 1:040, 418 KAR 1:050, 418 KAR 1:060, and 418 KAR 1:070 are being called with other Office of Kentucky Nature Preserves regulations listed under KAR Title 400.

JUSTICE AND PUBLIC SAFETY CABINET

Department of Juvenile Justice

Child Welfare

[505 KAR 001:100](#). Department of Juvenile Justice Policies and Procedures: Admissions.

[505 KAR 001:110](#). Department of Juvenile Justice Policy and Procedures Manual: program services. (Not Amended After Comments)

[505 KAR 001:180](#). Department of Juvenile Justice Policy and Procedures Manual: day treatment services. (Not Amended After Comments)

[505 KAR 001:190](#). Department of Juvenile Justice Policy and Procedures: Interstate compact for juveniles.

TRANSPORTATION CABINET

Department of Highways: Division of Contract Procurement

Preconstruction

[603 KAR 002:015](#). Prequalification for construction, certificate of eligibility, and contract claims dispute.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Board of Education: Department of Education

Office of Learning Programs Development

Office of Instruction

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

PUBLIC PROTECTION CABINET

Department of Alcoholic Beverage Control

Advertising Distilled Spirits and Wine

[804 KAR 001:030](#). Prohibited alcoholic beverage advertisements.

Advertising Malt Beverages

[804 KAR 002:016](#). Repeal of 804 KAR 002:015.

ENERGY AND ENVIRONMENT CABINET

Department of Natural Resources: Division of Mine Safety

Miner Training, Education and Certification

[805 KAR 007:080](#). Training, certification, and annual retraining of mine emergency technicians.

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 Health Data and Analytics: Division of Health Information

Kentucky Health Information Exchange

[900 KAR 009:010](#). Kentucky Health Information Exchange participation.

Department for Medicaid Services

Division of Policy and Operations

Medicaid Services

[907 KAR 001:270](#). Podiatry program services.

[907 KAR 001:280](#). Payments for podiatry program services.

[907 KAR 001:360](#). Preventative and remedial public health services.

Department for Community Based Services: Division of Protection and Permanency

Child Welfare

[922 KAR 001:050](#). State funded adoption assistance. (Not Amended After Comments)

[922 KAR 001:500](#). Educational and training vouchers.

[922 KAR 001:530](#). Post-adoption placement stabilization services. (Amended After Comments)

3. REGULATIONS REMOVED FROM FEBRUARY'S AGENDA

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Education Professional Standards Board

Administrative Certificates

[016 KAR 003:090](#). Certifications for advanced educational leaders. (Deferred from February)

STATE BOARD OF ELECTIONS

Forms and Procedures

[31 KAR 004:120](#). Additional and emergency precinct officers. (Comments Received; SOC ext., due 03-15-2019)

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 ext., due 02-15-2019)

BOARDS AND COMMISSIONS

Board of Nursing

[201 KAR 020:065](#). Professional standards for prescribing Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone by APRNs for medication assisted treatment for opioid disorder. (Comments Received; SOC due 02-15-2019)

Board of Physical Therapy

[201 KAR 022:070](#). Requirements for foreign-educated physical therapists and physical therapist assistants. (Deferred from February)

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 ext., due 02-15-2019)

DEPARTMENT OF AGRICULTURE

Office of Agricultural Marketing

Industrial Hemp

[302 KAR 050:090](#). Enforcement, corrective action plans, and mandatory reporting to state and federal agencies, Department to retain growing site information for at least three (3) years. (Deferred from February)

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)

LABOR CABINET

Department of Workers' Claims

[803 KAR 025:290](#). Continuation of medical benefits. (Deferred from February)

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 ext., due 02-15-2019)

Department of Financial Institutions

Administration

[808 KAR 001:060](#). Automated teller machines. (Deferred from February)

[808 KAR 001:140](#). Fees. (Deferred from February)

[808 KAR 001:161](#). Repeal of 808 KAR 001:020, 001:050, 001:090, 001:120, 001:130, 001:150, and 001:160. (Deferred from February)

[808 KAR 001:170](#). Licensing and registration. (Deferred from February)

[808 KAR 001:180](#). Use of special restricted funds. (Deferred from February)

Credit Unions

[808 KAR 003:050](#). Conduct of credit unions. (Deferred from February)

[808 KAR 003:061](#). Repeal of 808 KAR 00:020 and 003:060. (Deferred from February)

Industrial Loans

[808 KAR 005:041](#). Repeal of 808 KAR 005:040. (Deferred from February)

Consumer Loans

[808 KAR 006:095](#). Mandatory availability for repayment. (Deferred from February)

[808 KAR 006:121](#). Repeal of 808 KAR 006:015, 006:105, 006:115, and 006:120. (Deferred from February)

Check Cashing

[808 KAR 009:010](#). Deferred deposit database compliance. (Deferred from February)

[808 KAR 009:031](#). Repeal of 808 KAR 009:020 and 009:030. (Deferred from February)

[808 KAR 009:040](#). Customer account transfers. (Deferred from February)

[808 KAR 009:050](#). Licensee change of control. (Deferred from February)

Multibank Companies

[808 KAR 011:021](#). Repeal of 808 KAR 011:020. (Deferred from February)

Mortgage Loan Companies and Mortgage Loan Brokers

[808 KAR 012:050](#). Processing and closing charges for real estate loans to consumers. (Deferred from February)

[808 KAR 012:055](#). Uniform standards for mortgage loan processor applicant employee background checks. (Deferred from February)

[808 KAR 012:111](#). Repeal of 808 KAR 012:002, 012:021, 012:022, 012:023, 012:024, 012:026, 012:030, and 012:110. (Deferred from February)

Administrative Hearing

[808 KAR 014:010](#). Record retention. (Deferred from February)

[808 KAR 014:020](#). Annual reporting. (Deferred from February)

General

[808 KAR 015:010](#). Exceptions to bank lending limits. (Deferred from February)

[808 KAR 015:020](#). Stay of notice of intention to remove from office. (Deferred from February)

[808 KAR 015:030](#). Bank branches, offices, and loan production offices. (Deferred from February)

[808 KAR 015:040](#). Multibank companies. (Deferred from February)

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 ext., due 02-15-2019)

[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 ext., due 02-15-2019)

[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 ext., due 02-15-2019)

[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 ext., due 02-15-2019)

[810 KAR 004:010](#). Horses. (Comments Received; SOC ext., due 02-15-2019)

[810 KAR 004:020](#). Weights. (Comments Received; SOC ext., due 02-15-2019)

- [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 ext., due 02-15-2019)
- [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 007:060](#). 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 ext., due 02-15-2019)
- [810 KAR 008:020](#). Drug, medication, and substance classification schedule and withdrawal guidelines. (Comments Received; SOC ext., due 02-15-2019)
- [810 KAR 008:030](#). Disciplinary measures and penalties. (Comments Received; SOC ext., due 02-15-2019)
- [810 KAR 008:040](#). Out-of-competition testing. (Comments Received; SOC ext., due 02-15-2019)
- [810 KAR 008:050](#). International medication protocol as condition of a race. (Comments Received; SOC ext., due 02-15-2019)
- [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 ext., due 02-15-2019)

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)

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 04-25-2019) (Amended After Comments) (Deferred from February)

Department for 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)

Division of Fiscal Management

Hospital Service Coverage and Reimbursement

[907 KAR 010:820 & E](#). Disproportionate share hospital distributions. ("E" expires 5-29-2019) (Comments Received; SOC due 02-15-2019)

Department for Aging and Independent Living: Division of Operations and Support

Aging Services

[910 KAR 001:240](#). Certification of assisted-living communities. (Comments Received; SOC 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 001:140](#). Foster care and adoption permanency services. (Comments Received; SOC ext., due 03-15-2019)

[922 KAR 001:305](#). Licensure of child-caring facilities and child-placing agencies. (Comments Received; SOC ext., due 03-15-2019)

[922 KAR 001:400](#). Supporting services. (Comments Received; SOC ext., due 03-15-2019)

[922 KAR 001:565](#). Service array for a relative or fictive kin caregiver. (Comments Received; SOC ext., due 03-15-2019)

Daycare

[922 KAR 002:160 & E](#). Child Care Assistance Program. ("E" expires 6-28-2019) (Comments Received; SOC ext., due 03-15-2019)