

MATTHEW G. BEVIN  
GOVERNOR



**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

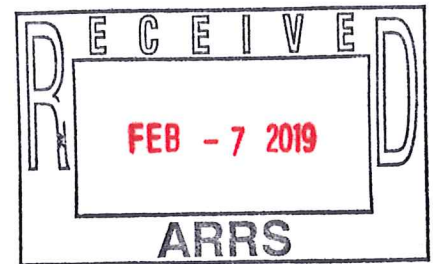
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CHARLES G. SNAVELY  
SECRETARY

ANTHONY R. HATTON  
COMMISSIONER

February 5, 2019

Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort, KY 40601



Re: 401 KAR 39:060. General requirements  
401 KAR 39:090. Hazardous waste permit program

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 401 KAR 39:060 and 401 KAR 39:090, the Division of Waste Management proposes the attached amendments to both of these administrative regulations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jon Maybriar".

Jon Maybriar, Director  
Division of Waste Management  
300 Sower Boulevard  
2<sup>nd</sup> Floor  
Frankfort, KY 40601

**Suggested Amendment**

**Final Version: 2/1/2019 1:07 PM**

**ENERGY AND ENVIRONMENT CABINET  
Department for Environmental Protection  
Division of Waste Management**

**401 KAR 39:060. General requirements.**

**Page 6**

**Section 3(7)**

**Line 8**

After "cabinet and, as", insert "applicable".  
Delete "appropriate".

**Page 9**

**Section 5(9)(b)**

**Line 11**

After "facilities, as", insert "established".  
Delete "specified".

**Page 11**

**Section 5(14)(b)**

**Line 21**

After "have resulted or", insert "might".  
Delete "may".

**Page 14**

**Section 5(17)(c)**

**Line 8**

After "shall apply to", insert "applicants".  
Delete "applications".

**Page 14**

**Section 6(1)**

**Line 13**

After "a quantity that", insert "might".  
Delete "may".

**Page 15**

**Section 6(8)(a)**

**Line 21**

After "of the substance,", insert "shall".  
Delete "to".

**Page 18**

**Section 6(24)**

**Line 13**

After "Subtitle C", insert a comma.

**Page 18**

**Section 6(25)**

**Line 14**

After "Section 3008h", insert a comma.



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029, Capitol Annex  
Frankfort, KY 40601



Re: 401 KAR 39:060. General requirements  
401 KAR 39:090. Hazardous waste permit program

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 401 KAR 39:060 and 401 KAR 39:090, the Division of Waste Management proposes the attached amendments to both of these administrative regulations.

Sincerely,

Jon Maybriar, Director  
Division of Waste Management  
300 Sower Boulevard  
2<sup>nd</sup> Floor  
Frankfort, KY 40601



**Suggested Amendment**

**Final Version: 2/1/2019 1:53 PM**

**ENERGY AND ENVIRONMENT CABINET  
Department for Environmental Protection  
Division of Waste Management**

**401 KAR 39:090. Hazardous waste permit program.**

**Page 17**

**Section 7(1)(a)**

**Lines 3 and 4**

After "Chapter 224 and", insert "401 KAR Chapter 39".

Delete the following:

administrative regulations promulgated pursuant thereto

**Page 18**

**Section 7(5)**

**Line 10**

After "established in", delete "this".

After "subsection", insert "(6) of this section".

**Page 22**

**Section 9(1)(b)**

**Line 18**

After "a condition that", insert "might".

Delete "may".

**Page 23**

**Section 9(4)**

**Line 4**

After "Section 3004(o)(1)", insert a comma.

**Page 23**

**Section 9(5)**

**Line 6**

After "Section 3004(k)", insert a comma.

**Page 23**

**Section 9(11)**

**Line 16**

After "Section 3010(a)", insert a comma.

**Page 23**

**Section 9(12)**

**Line 18**

After "Section 3019," insert "401".

After "KAR 39:060", delete the comma.

**Page 24**

**Section 9(21)**

**Line 17**

After "C.F.R. 264.1080(c)," insert "and".

After "C.F.R. 265.1080(c)", insert a comma.



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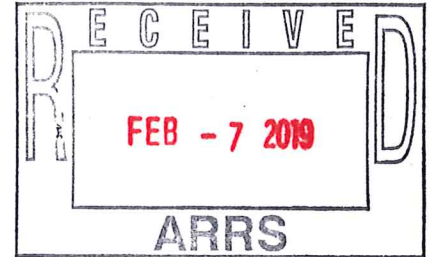
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029, Capitol Annex  
Frankfort, KY 40601



Re: **401 KAR 42:005**. Definitions for 401 KAR Chapter 42  
401 KAR 42:020. UST system requirements, notification, registration, and  
annual fees  
401 KAR 42:060. UST system release and corrective action requirements  
401 KAR 42:250. Petroleum Storage Tank Environmental Assurance Fund  
reimbursement  
401 KAR 42:330. Small Owners Tank Removal Account

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 401 KAR 42:005, 42:020, 42:060, 42:250, and 42:330, the Division of Waste Management proposes the attached amendments to these administrative regulations.

Sincerely,

Jon Maybriar, Director  
Division of Waste Management  
300 Sower Boulevard  
2<sup>nd</sup> Floor  
Frankfort, KY 40601

**Suggested Amendment**

**Final Version: 2/1/2019 3:48 PM**

**ENERGY AND ENVIRONMENT CABINET  
Department for Environmental Protection  
Division of Waste Management**

**(Amended After Comments)**

**401 KAR 42:005. Definitions for 401 KAR Chapter 42.**

**Page 2**

**Section 1(1)(a)2.**

**Line 4**

After "2. Cabinet-approved techniques", insert the following:  
based on best management practices

**Page 13**

**Section 1(52)**

**Line 7**

After "that the term", delete "shall".

After "also", insert "includes".

Delete "include".

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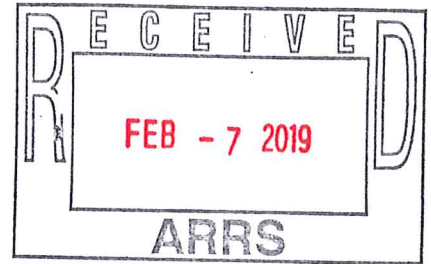
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Re: 401 KAR 42:005. Definitions for 401 KAR Chapter 42  
401 KAR 42:020. UST system requirements, notification, registration, and annual fees  
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Jon Maybriar, Director  
Division of Waste Management  
300 Sower Boulevard  
2<sup>nd</sup> Floor  
Frankfort, KY 40601

**Suggested Amendment**

**Final Version: 2/4/2019 10:30 AM**

**ENERGY AND ENVIRONMENT CABINET  
Department for Environmental Protection  
Division of Waste Management**

**(Amended After Comments)**

**401 KAR 42:020. UST system requirements, notification, registration, and annual fees.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 20**

After "KRS 224.60-150", insert "requires the cabinet to".

Delete the following:

states that the cabinet shall

**Page 2**

**Section 1(2)**

**Line 14**

After "(2) Requirements for previously", insert "federally deferred".

Delete "federally-deferred".

**Page 2**

**Section 1(3)**

**Line 17**

After "established in subsection", insert "(1)".

Delete "1".

**Page 6**

**Sections 2(9) and 2(9)(a)**

**Line 2**

After "(9)", insert "(a)".

**Lines 3 through 5**

After "KRS 224.60-150", insert ", and (b)1.".

Delete ", and: (a)".

**Page 6**

**Section 2(9)(b) and (c)**

**Lines 7 and 9**

Renumber paragraphs (b) and (c) as subparagraphs 2. and 3., respectively.

**Page 6**

**Section 2(9)(c)**

**Line 9**

After "shall be made", insert "within".

**Page 6**

**Section 2(9)(c) and (d)**

**Lines 10 and 11**

After "the required payment;", insert "4.".

Delete "(d)".

**Lines 11 and 12**

After "with a note stating", insert "that the".

**Page 6**

**Section 3(9)(e) and (f)**

**Lines 13 and 14**

Renumber paragraphs (e) and (f) as subparagraphs 5. and 6., respectively.

**Page 6**

**Section 3(2)(a)**

**Line 20**

After "system is empty,", insert "the following".

Delete "these".

**Page 15**

**Section 9(5)**

**Line 1**

After "requirements in subsection", insert "(7)".

Delete "7".

**Page 15**

**Section 10**

**Line 17**

After "Under-", lowercase the first letter of "Dispenser".

**Page 17**

**Section 10(11)**

**Line 3**

After "(11)", insert "(a)".

**Page 17**

**Sections 10(11) and 10(11)(a)**

**Lines 5 and 6**

After "thirty (30) days", insert "; and (b)1.".

Delete ", and: (a)".

**Page 17**

**Section 10(11)(a)**

**Line 6**

After "readings, a record", insert "shall be".

Delete "is".

**Page 17**

**Section 10(11)(a) and (b)**

**Lines 7 and 8**

After "thirty (30) days; or", insert "2.".

Delete "(b)".

**Page 17**

**Section 10(11)(b)**

**Line 8**

After "a monthly log", insert "shall be".

Delete "is".

**Page 19**

**Section 11(5)**

**Line 1**

After "in this subsection", delete "of this section".

**Page 19**

**Section 11(5)(c)**

**Line 16**

After "day re-evaluation period", insert "established".

**Page 20**

**Section 11(6)**

**Line 1**

After "in this subsection", delete "of this section".

**Page 22**

**Section 14(2)**

**Lines 18 and 19**

After "to noncorrodible piping", insert "shall be".

Delete "are".

**Page 24**

**Section 15(8)**

**Lines 8 and 9**

After "(d), (g),", insert the following:

and (h); 280.44; and this section

Delete the following:

(h), and 280.44 and this section of this administrative regulation



**Page 26**

**Section 15(10)**

**Line 2**

After "in subsection (9)", insert "of this section".

**Page 26**

**Section 15(11)**

**Line 9**

After "in subsection (9)", insert "of this section".

**Page 26**

**Section 16(3)**

**Line 22**

After "requirements in subsection", insert "(4)".

Delete "4".

**Page 27**

**Section 16(6)(a)**

**Lines 11 and 12**

After "recent training date", delete the remainder of paragraph (a), except the semicolon.

**Page 29**

**Section 18(1)**

**Line 5**

After "upon confirmation of", delete "any of these conditions".

**Page 29**

**Section 18(1)(a)**

**Line 6**

After "Spill prevention equipment", delete "is".

**Page 29**

**Section 18(1)(b)**

**Line 7**

After "Overfill prevention equipment", delete "is".

**Page 29**

**Section 18(1)(c)**

**Line 8**

After "Corrosion protection equipment", delete "is".

**Page 29**

**Section 18(1)(d)**

**Line 9**

After "(d) Release detection", delete "is".

**Page 29**

**Section 18(1)(e)**

**Line 10**

After "Release detection equipment", delete "is".

**Page 29**

**Section 18(1)(f)**

**Line 11**

After "(f) Registration", delete "is".

After "not submitted or", delete "is".

**Page 29**

**Section 18(1)(g)**

**Line 12**

After "(g) Annual fee", delete "is".

**Page 30**

**Section 18(3)**

**Line 1**

After "accordance with subsection", insert "(1)".

Delete "(3)".

**Page 30**

**Section 18(8)**

**Line 13**

After "established in subsection", insert "(11)".

Delete "(12)".

**Page 31**

**Section 20**

**Line 9**

After "and this section", delete "of this administrative regulation".

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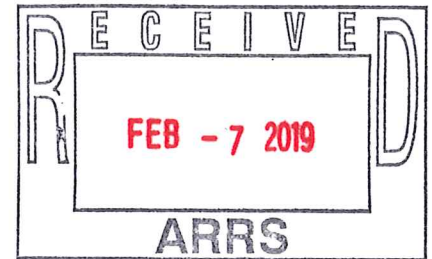
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029, Capitol Annex  
Frankfort, KY 40601



Re: 401 KAR 42:005. Definitions for 401 KAR Chapter 42  
401 KAR 42:020. UST system requirements, notification, registration, and annual fees  
401 KAR 42:060. UST system release and corrective action requirements  
401 KAR 42:250. Petroleum Storage Tank Environmental Assurance Fund reimbursement  
401 KAR 42:330. Small Owners Tank Removal Account

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 401 KAR 42:005, 42:020, 42:060, 42:250, and 42:330, the Division of Waste Management proposes the attached amendments to these administrative regulations.

Sincerely,

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Jon Maybriar, Director  
Division of Waste Management  
300 Sower Boulevard  
2<sup>nd</sup> Floor  
Frankfort, KY 40601

**Suggested Amendment**

**Final Version: 2/4/2019 10:53 AM**

**ENERGY AND ENVIRONMENT CABINET  
Department for Environmental Protection  
Division of Waste Management  
(Amended After Comments)**

**401 KAR 42:060. UST system release and corrective action requirements.**

**Page 3**

**Section 4(2)**

**Line 5**

After "UST component that", insert "might".  
Delete "may".

**Page 4**

**Section 5(5)**

**Line 6**

After "to the cabinet,", insert "if".  
Delete "when".

**Page 5**

**Section 6(2)(b)**

**Line 20**

After "those UST systems", insert "with".  
Delete "whose".  
After "requirements", delete "are".

**Page 7**

**Section 6(4)**

**Lines 3 and 4**

After "established in", insert "paragraphs (a) through (c)".  
Delete "in the requirements".

**Page 7**

**Section 6(6)**

**Line 21**

After "established in", insert the following:  
paragraphs (a) through (c) of

**Page 10**

**Section 8(3)**

**Line 5**

After "for which a", lowercase the first letters of "No", "Further", and "Action".

**Lines 5 and 6**

After "shall revoke the", lowercase the first letters of "No", "Further", and "Action".

**Page 11**

**Section 10(1)(c)**

**Line 6**

After "DWM 4262,", insert "February 2019".  
Delete "August 2018".

**Page 11**

**Section 10(1)(e)**

**Line 10**

After "DWM 4264,", insert "February 2019".  
Delete "August 2018".

**Page 11**

**Section 10(1)(f)**

**Line 12**

After "DWM 4265,", insert "February 2019".  
Delete "August 2018".

**Page 11**

**Section 10(1)(h)**

**Line 16**

After "DWM 4267,", insert "February 2019".  
Delete "August 2018".

**Page 11**

**Section 10(1)(i)**

**Line 18**

After "DWM 4268,", insert "February 2019".  
Delete "January 2019".

**Page 11**

**Section 10(1)(j)**

**Line 20**

After "DWM 4269,", insert "February 2019".  
Delete "August 2018".

**MATERIAL INCORPORATED BY REFERENCE**

**\*General Reviewer's Note:** Please file one (1) clean and one (1) dirty copy of DWMs 4262, 4264, 4265, 4267, 4268, and 4269, with the Compiler in conjunction with filing this suggested amendment.

**\*General Reviewer's Note:** Please file one (1) revised DETAILED SUMMARY OF MATERIAL INCORPORATED BY REFERENCE, paginated beginning on page 18, with the Compiler in conjunction with filing this suggested amendment.

MATTHEW G. BEVIN  
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DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

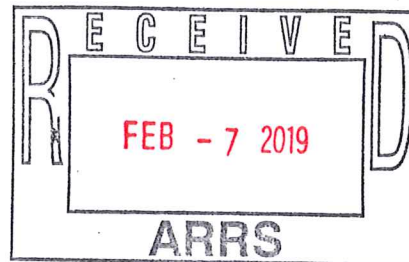
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Jon Maybriar, Director  
Division of Waste Management  
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Frankfort, KY 40601

**Suggested Amendment**

**Final Version: 2/4/2019 9:08 AM**

**ENERGY AND ENVIRONMENT CABINET  
Department for Environmental Protection  
Division of Waste Management**

**(Amended After Comments)**

**401 KAR 42:250. Petroleum Storage Tank Environmental Assurance Fund reimbursement.**

**Page 2**

**Section 1(2)**

**Line 5**

After "(2)", insert "Federally owned".

Delete "Federally-owned".

**Page 3**

**Section 2(2)**

**Line 18**

After "a written correspondence," insert "stating".

Delete "outlining".

**Page 4**

**Section 2(4)(b)**

**Line 17**

After "PSTEAF Reimbursement Rates", insert a period.

Delete the semicolon.

**Page 10**

**Section 7(1)(b)**

**Line 3**

After "owner or operator", insert a period.

**Page 10**

**Section 7(2)**

**Lines 7 and 8**

After "(2)", delete the period.

**Page 12**

**Section 7(6)(c)**

**Line 15**

After "The reimbursable amount for", lowercase the first letters of "Operation" and "Maintenance".

**Page 15**

**Section 8(1)(e)**

**Line 5**

After "the written directive", insert "once".

Delete "is".

**Page 16**

**Section 8(7)**

**Line 3**

After "224.60-140(7) as to whether", insert "or not".

**Page 16**

**Section 9(1)**

**Lines 20 and 21**

After "PSTEAF Reimbursement Rates", insert a colon.

Delete the period.

**Page 16**

**Section 9(1)(a)**

**Line 24**

After "401 KAR 42:060", insert a semicolon.

Delete the period.

**Page 17**

**Section 9(1)(b) through (d)**

**Lines 5, 11, and 13**

At the end of each paragraph, insert a semicolon and delete the period.

**Page 17**

**Section 9(1)(e)**

**Line 14**

After "complete directed actions", insert "; and".

Delete the period.

**Page 17**

**Section 9(1)(f)**

**Line 19**

After ". Pre-approval", insert "shall be".

Delete "is".

**Page 19**

**Section 9(5)**

**Line 4**

After "documentation", insert ", if necessary".

**Page 23**

**Section 12(7)(b)**

**Line 5**

After "(b)", insert "1.".

**Page 23**

**Sections 12(7)(b) and 12(7)(b)1.**

**Lines 5 through 7**

After "\$1,000,000 per occurrence.", insert "2.".

Delete "1."



**Page 23**

**Section 12(7)(b)2.**

**Line 8**

Delete subparagraph 2. in its entirety.

**Page 29**

**Section 13(2)(t)**

**Lines 8 and 9**

In both instances, lowercase the first letters of "Corrective Action Plan".

**Page 29**

**Section 13(2)(u)**

**Line 11**

After "(u)", insert "Costs".

Delete "Cost".

**Page 33**

**Section 15(2)**

**Line 1**

After "claim decision, and", insert "shall".

Delete "may".

**Page 40**

**Section 19(9)**

**Line 16**

After "be", insert "as".

After "established in", insert the following:

paragraphs (a) through (d) of

After "this subsection", delete "of this section".

**Page 41**

**Section 19(10)**

**Line 2**

After "as established in", insert the following:

paragraphs (a) through (d) of

**Lines 2 and 3**

After "this subsection", delete "of this section".

**Page 42**

**Section 20(2)**

**Line 1**

After "as established in", insert the following:

paragraphs (a) through (d) of

**Lines 1 and 2**

After "this subsection", delete "of this section".

**Page 42**

**Section 20(2)(b)1.**

**Line 10**

After "as established in", insert "paragraph (a)".

Delete "subsection (2)(a)".

**Lines 10 and 11**

After "of this", insert "subsection".

Delete "section".

**Page 42**

**Section 20(4)**

**Line 21**

After "as established in", insert the following:

paragraphs (a) through (d) of

**Lines 21 and 22**

After "this subsection", delete "of this section".

**Page 43**

**Section 20(4)(c)2.**

**Lines 8 and 9**

After "with this subsection", delete "of this section".

**Page 43**

**Section 20(4)(d)**

**Lines 10 and 11**

After "with this subsection", delete "of this subsection".

**Page 44**

**Section 21(6)(a)1.**

**Line 15**

After "not issued a", lowercase the first letters of "No Further Action Letter".

**Page 44**

**Section 21(6)(a)2.**

**Lines 21 and 22**

After "not issued a", lowercase the first letters of "No Further Action Letter".

**Page 44**

**Section 21(6)(b)**

**Line 23**

After "within their respective", lowercase the first letter of "Rank".

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GOVERNOR



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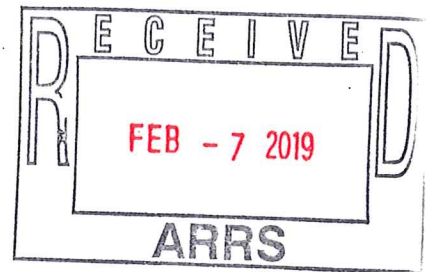
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After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 401 KAR 42:005, 42:020, 42:060, 42:250, and 42:330, the Division of Waste Management proposes the attached amendments to these administrative regulations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jon Maybriar".

Jon Maybriar, Director  
Division of Waste Management  
300 Sower Boulevard  
2<sup>nd</sup> Floor  
Frankfort, KY 40601

**Suggested Amendment**

**Final Version: 2/4/2019 9:56 AM**

**ENERGY AND ENVIRONMENT CABINET  
Department for Environmental Protection  
Division of Waste Management  
(Amended After Comments)**

**401 KAR 42:330. Small Owners Tank Removal Account.**

**Page 3**

**Section 1(5)**

**Line 3**

After "(5)", insert "Federally owned".

Delete "Federally-owned".

**Page 3**

**Section 2(3)(a)**

**Line 12**

After "a facility shall", insert "1".

Capitalize the first letter of "be".

**Lines 12 and 13**

After "of permanent closure", insert "and 2".

Delete ", but shall".

Capitalize the first letter of "not".

After "be eligible for", insert "reimbursement of the".

Delete "payment of".

**Page 4**

**Section 3(1)(a)1.**

**Line 7**

After "the exception of", lowercase the first letters of "Non-Profit Public Service Corporations".

**Line 8**

After "all other", lowercase the first letters of "Non-Profit".

**Page 6**

**Section 4(2)**

**Line 6**

After "reimbursable amount for", lowercase the first letters of "Facility Restoration".

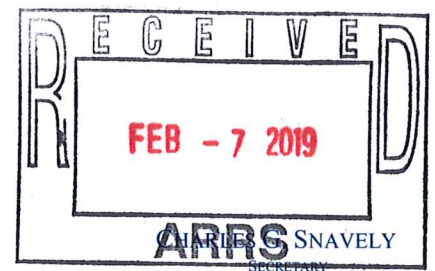
**Page 12**

**Section 5(11)**

**Lines 3 and 4**

After "issuance of a", lowercase the first letters of "No Further Action".

MATTHEW G. BEVIN  
GOVERNOR



**ENERGY AND ENVIRONMENT CABINET**  
**OFFICE OF KENTUCKY NATURE PRESERVES**  
300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601  
(502) 573-2886

ZEB WEESE  
EXECUTIVE DIRECTOR

February 07, 2019

Senator West, Co-Chair  
Representative Hale, Co-Chair  
c/o Regulations Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601

Re: **418 KAR 1:010** – Definitions for 418 KAR Chapter 1  
418 KAR 1:020 – Administrative procedures of the board  
418 KAR 1:040 - Grant applications  
418 KAR 1:050 - Procedures for acquisition of land  
418 KAR 1:060 – Management  
418 KAR 1:070 – Remedies

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 418 KAR 1:010, 1:020, 1:040, 1:050, 1:060 and 1:070, the Department for Natural Resources proposes the attached amendments to 418 KAR 1:010, 1:020, 1:040, 1:050, 1:060 and 1:070.

Sincerely,

A handwritten signature in cursive script that reads "Michael Mullins".

Michael Mullins  
Regulation Coordinator

**Suggested Amendment**

**Final Version: 2/6/2019 8:20 AM**

**ENERGY AND ENVIRONMENT CABINET  
Office of Kentucky Nature Preserves**

**418 KAR 1:010. Definitions for 418 KAR Chapter 1.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 10**

After "grants. KRS 146.560(2)", delete "also".

**Line 11**

After "This administrative regulation", insert "establishes definitions for".  
Delete "defines".

**Page 3**

**Section 1(13)**

**Line 1**

After "organization as defined", insert "by".  
Delete "in".

**Page 3**

**Section 1(15)**

**Line 10**

After "ecological, geological, scenic", insert a comma.

**Line 11**

After "scientific, aesthetic, cultural", insert a comma.

**Page 4**

**Section 1(17)**

**Line 5**

After "(17)", insert the following:  
"Office" is defined by KRS 146.415(4).  
(18)

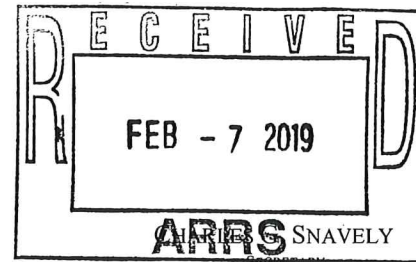
**Page 4**

**Section 1(18)**

**Line 8**

Delete subsection (18) in its entirety.

MATTHEW G. BEVIN  
GOVERNOR



**ENERGY AND ENVIRONMENT CABINET  
OFFICE OF KENTUCKY NATURE PRESERVES**

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601  
(502) 573-2886

ZEB WEESE  
EXECUTIVE DIRECTOR

February 07, 2019

Senator West, Co-Chair  
Representative Hale, Co-Chair  
c/o Regulations Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601

Re: 418 KAR 1:010 – Definitions for 418 KAR Chapter 1  
418 KAR 1:020 – Administrative procedures of the board  
418 KAR 1:040 - Grant applications  
418 KAR 1:050 - Procedures for acquisition of land  
418 KAR 1:060 – Management  
418 KAR 1:070 – Remedies

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 418 KAR 1:010, 1:020, 1:040, 1:050, 1:060 and 1:070, the Department for Natural Resources proposes the attached amendments to 418 KAR 1:010, 1:020, 1:040, 1:050, 1:060 and 1:070.

Sincerely,

A handwritten signature in cursive script that reads "Michael Mullins".

Michael Mullins  
Regulation Coordinator

## **Suggested Amendment**

**Final Version: 2/6/2019 9:00 AM**

### **ENERGY AND ENVIRONMENT CABINET Office of Kentucky Nature Preserves**

#### **418 KAR 1:020. Administrative procedures of the board.**

##### **Page 1**

##### **NECESSITY, FUNCTION, AND CONFORMITY**

##### **Line 10**

After "administrative regulation establishes", delete "those".

After "procedures", insert the following:

for the application for funds from agencies as established in KRS  
146.570, for review and approval of projects and grants, and for  
acquisition of land

##### **Page 2**

##### **Section 1(3)**

##### **Lines 1 and 2**

After "to the public", insert "if".

Delete "when".

##### **Line 4**

After "for closed sessions", insert "established".

Delete "set forth".

##### **Page 2**

##### **Section 4**

##### **Line 16**

After "Meeting Minutes", insert "and".

Delete the comma.

##### **Page 2**

##### **Section 4(2)**

##### **Line 21**

After "be prepared.", insert "(a)".

##### **Line 22**

After "acquired through the", lowercase the first letter of "Fund".

After "previous fiscal year.", insert "(b)".

##### **Page 3**

##### **Section 5**

##### **Lines 4 and 5**

After "The treasurer,", insert "who".

Delete "which".



**Page 3**

**Section 6(1)**

**Line 7**

After "(2) standing committees", insert a hyphen.  
Delete the comma.

**Page 3**

**Section 6(2)(a)2.**

**Lines 13 and 14**

After "priorities for acquisition", insert "established".  
Delete "set forth".

**Page 3**

**Section 6(2)(a)4.b.**

**Line 19**

After "b. The applicant;", insert "and".

**Page 4**

**Section 6(3)(b)**

**Line 4**

After "in part, with", lowercase the first letter of "Fund".

**Page 4**

**Section 6(3)(b)3.**

**Line 8**

After "a recipient of", lowercase the first letter of "Fund".

**Page 4**

**Section 6(4)**

**Line 17**

After "members, one", insert "(1)".  
After "of Kentucky or", insert "as established in".  
Delete "specified by".

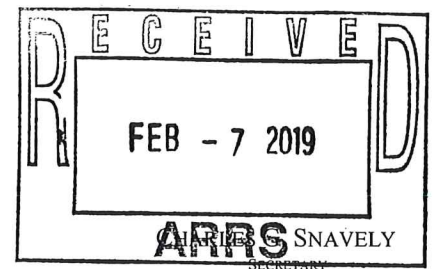
**Line 18**

After "KRS 146.560(1)(f)", insert "through".  
Delete the hyphen.  
After "(k).", insert "(a)".

**Line 19**

After "of each committee.", insert "(b)".

MATTHEW G. BEVIN  
GOVERNOR



**ENERGY AND ENVIRONMENT CABINET**  
**OFFICE OF KENTUCKY NATURE PRESERVES**  
300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601  
(502) 573-2886

ZEB WEESE  
EXECUTIVE DIRECTOR

February 07, 2019

Senator West, Co-Chair  
Representative Hale, Co-Chair  
c/o Regulations Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601

Re: 418 KAR 1:010 – Definitions for 418 KAR Chapter 1  
418 KAR 1:020 – Administrative procedures of the board  
**418 KAR 1:040** - Grant applications  
418 KAR 1:050 - Procedures for acquisition of land  
418 KAR 1:060 – Management  
418 KAR 1:070 – Remedies

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 418 KAR 1:010, 1:020, 1:040, 1:050, 1:060 and 1:070, the Department for Natural Resources proposes the attached amendments to 418 KAR 1:010, 1:020, 1:040, 1:050, 1:060 and 1:070.

Sincerely,

A handwritten signature in cursive script, reading "Michael Mullins".

Michael Mullins  
Regulation Coordinator

**Suggested Amendment**

**Final Version: 2/6/2019 9:11 AM**

**ENERGY AND ENVIRONMENT CABINET  
Office of Kentucky Nature Preserves**

**418 KAR 1:040. Grant applications.**

**Page 2**

**Section 2(1)**

**Line 15**

After "it based on", delete "the following criteria".

**Page 3**

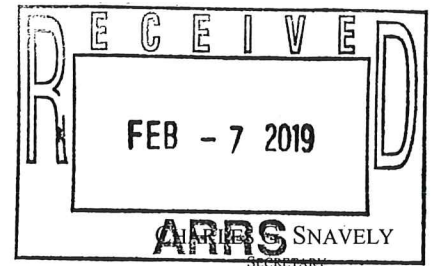
**Section 2(3)**

**Line 8**

After "meeting to meeting", insert a comma.

**\*General Reviewer's Note:** Because two (2) forms incorporated by reference are being revised, please file one (1) SUMMARY OF MATERIAL INCORPORATED BY REFERENCE, paginated as page 10, with the Compiler in conjunction with filing this suggested amendment.

MATTHEW G. BEVIN  
GOVERNOR



**ENERGY AND ENVIRONMENT CABINET  
OFFICE OF KENTUCKY NATURE PRESERVES**

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601  
(502) 573-2886

ZEB WEESE  
EXECUTIVE DIRECTOR

February 07, 2019

Senator West, Co-Chair  
Representative Hale, Co-Chair  
c/o Regulations Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601

Re: 418 KAR 1:010 – Definitions for 418 KAR Chapter 1  
418 KAR 1:020 – Administrative procedures of the board  
418 KAR 1:040 - Grant applications  
418 KAR 1:050 - Procedures for acquisition of land  
418 KAR 1:060 – Management  
418 KAR 1:070 – Remedies

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 418 KAR 1:010, 1:020, 1:040, 1:050, 1:060 and 1:070, the Department for Natural Resources proposes the attached amendments to 418 KAR 1:010, 1:020, 1:040, 1:050, 1:060 and 1:070.

Sincerely,

A handwritten signature in cursive script, reading "Michael Mullins".

Michael Mullins  
Regulation Coordinator

**Suggested Amendment**

**Final Version: 2/6/2019 9:26 AM**

**ENERGY AND ENVIRONMENT CABINET  
Office of Kentucky Nature Preserves**

**418 KAR 1:050. Procedures for acquisition of land.**

**Page 1**

**Section 3**

**Line 20**

After "then an extension", insert "shall".  
Delete "may".

**Page 2**

**Section 5**

**Line 15**

After "exchanging, encumbering", insert a comma.

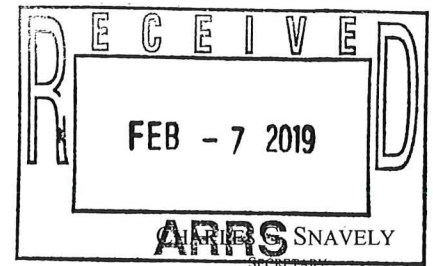
**Page 3**

**Section 6(1)(b)**

**Line 4**

After "that lands acquired", insert "shall be".  
Delete "are".  
After "for the purposes", insert "established".  
Delete "set out".

MATTHEW G. BEVIN  
GOVERNOR



**ENERGY AND ENVIRONMENT CABINET**  
**OFFICE OF KENTUCKY NATURE PRESERVES**  
300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601  
(502) 573-2886

ZEB WEESE  
EXECUTIVE DIRECTOR

February 07, 2019

Senator West, Co-Chair  
Representative Hale, Co-Chair  
c/o Regulations Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601

Re: 418 KAR 1:010 – Definitions for 418 KAR Chapter 1  
418 KAR 1:020 – Administrative procedures of the board  
418 KAR 1:040 - Grant applications  
418 KAR 1:050 - Procedures for acquisition of land  
418 KAR 1:060 – Management  
418 KAR 1:070 – Remedies

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 418 KAR 1:010, 1:020, 1:040, 1:050, 1:060 and 1:070, the Department for Natural Resources proposes the attached amendments to 418 KAR 1:010, 1:020, 1:040, 1:050, 1:060 and 1:070.

Sincerely,

A handwritten signature in cursive script, reading "Michael Mullins".

Michael Mullins  
Regulation Coordinator

**Suggested Amendment**

**Final Version: 2/6/2019 9:27 AM**

**ENERGY AND ENVIRONMENT CABINET  
Office of Kentucky Nature Preserves**

**418 KAR 1:060. Management.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Lines 8 and 9**

After "funds from agencies", insert "established".  
Delete "identified".

**Page 1**

**Section 1**

**Lines 11 and 12**

After "for the purposes", insert "established".  
Delete "set forth".

**Line 13**

After "through 146.570,", insert "418 KAR Chapter 1".  
Delete "this chapter".

**Page 2**

**Section 3(1)**

**Line 2**

After "a final RMP", insert "that shall be".  
Delete "which is".

**Line 3**

After "and application, and", insert "that complies with".  
Delete "which meets the".

**Lines 3 and 4**

After "through 146.570,", insert "418 KAR Chapter 1".  
Delete "this chapter".

**Line 5**

After "articles of dedication", insert "pertaining".  
Delete "which pertains".

**Line 6**

After "final RMP instructions", insert a comma.  
Delete "incorporated by reference as".

**Line 7**

After "2A and HL-2B", delete the remainder of subsection (1), except the period.

**Page 2**

**Section 3(2)**

**Lines 11 and 12**

After "the project site.", delete the remainder of subsection (2) in its entirety.

**Page 2**

**Section 4**

**Line 18**

After "KRS 146.550", insert "through".

Delete "to".

**Line 20**

After "project site, and", insert "418 KAR Chapter 1".

Delete "this chapter".

**Page 3**

**Section 6**

**Line 1**

After "may, with prior", insert the following:

written board approval upon determination that the third party has  
the experience and resources to implement the RMP approved for  
the project site

Delete "approval of the board".

**Line 3**

After "of fund money", insert "shall retain".

Delete "retains".

**Lines 4 and 5**

After "through 146.570,", insert "418 KAR Chapter 1".

Delete "this chapter".

**Page 3**

**Section 7**

**Line 10**

After "extension may", insert the following:

, upon determination that an extension request would facilitate  
implementation of the RMP approved for the project site,

**Page 3**

**Section 8(1)**

**Lines 12 and 13**

After "The board may", delete ", at its discretion,".



**Page 3**  
**Section 9**  
**Line 19**

After "submit joint RMPs", insert "that".  
Delete "which".  
After "specify which entity", insert "shall".  
Delete "will".

**Page 4**  
**Section 10(1)**  
**Lines 2 and 3**

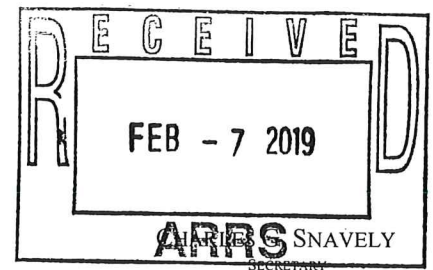
After "Form HL-2C", delete the following:  
, which is incorporated by reference in Section 14 of this administrative regulation

**Page 4**  
**Section 12**  
**Line 15**

After "with fund money.", insert the following:  
The board may approve land transfer to or encumbrance by any entity eligible for funding pursuant to KRS 146.570 or a federal land conservation agency. Transfer of encumbered land shall be managed in accordance with these administrative regulations, any articles of dedication pertaining to the project site, deed restrictions, any conservation easement, and the most recent RMP approved by the board.

**\*General Reviewer's Note:** Because there is revised material incorporated by reference, please file one (1) SUMMARY OF MATERIAL INCORPORATED BY REFERENCE, paginated as page 12, with the Compiler in conjunction with filing this suggested amendment.

MATTHEW G. BEVIN  
GOVERNOR



**ENERGY AND ENVIRONMENT CABINET**  
**OFFICE OF KENTUCKY NATURE PRESERVES**  
300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601  
(502) 573-2886

ZEB WEESE  
EXECUTIVE DIRECTOR

February 07, 2019

Senator West, Co-Chair  
Representative Hale, Co-Chair  
c/o Regulations Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601

Re: 418 KAR 1:010 – Definitions for 418 KAR Chapter 1  
418 KAR 1:020 – Administrative procedures of the board  
418 KAR 1:040 - Grant applications  
418 KAR 1:050 - Procedures for acquisition of land  
418 KAR 1:060 – Management  
418 KAR 1:070 – Remedies

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 418 KAR 1:010, 1:020, 1:040, 1:050, 1:060 and 1:070, the Department for Natural Resources proposes the attached amendments to 418 KAR 1:010, 1:020, 1:040, 1:050, 1:060 and 1:070.

Sincerely,

A handwritten signature in cursive script that reads "Michael Mullins".

Michael Mullins  
Regulation Coordinator

**Suggested Amendment**

**Final Version: 2/6/2019 9:43 AM**

**ENERGY AND ENVIRONMENT CABINET  
Office of Kentucky Nature Preserves**

**418 KAR 1:070. Remedies.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Lines 8 and 9**

After "funds from agencies", insert "established".

Delete "identified".

**Page 1**

**Section 1(1)(a)**

**Line 13**

After "(1)(a) Except as", insert "established in".

Delete "provided by".

**Page 1**

**Section 1(1)(b)**

**Line 17**

After "a written request", insert the following:

if all terms of the MOA or written agreement for the project site  
have been met by the applicant

**Page 1**

**Section 1(2)(a)**

**Line 18**

After "(2)(a) Except as", insert "established in".

Delete "provided by".

**Line 21**

After "by the board", insert the following:

to implement continued management activities under the approved  
management plan for the project site

**Page 2**

**Section 2(1)**

**Line 3**

After "proceedings for forfeiture", insert "for".

Delete the following:

if any of the following occurs

**Page 2**

**Section 2(2)(g)**

**Lines 14 and 15**

After "most recent RMP", insert "that".

Delete "which".

**Page 2**

**Section 2(2)(i)**

**Line 18**

After "other than items", insert "that".

Delete "which".

**Page 2**

**Section 2(2)(j)**

**Line 21**

After "The board may", insert the following:

upon evidence that funds have been allocated to implement management activities under the approved management plan for the project site.

**Page 3**

**Section 3**

**Lines 10 and 11**

After "articles of dedication", insert "pertaining".

Delete "which pertains".



## JUSTICE AND PUBLIC SAFETY CABINET

**Matthew G. Bevin**  
Governor

### Department of Juvenile Justice

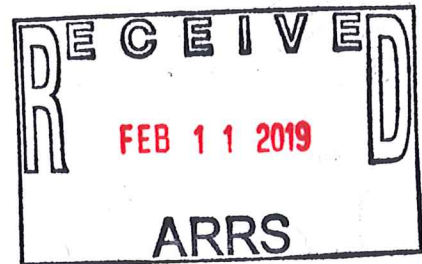
1025 Capital Center Drive, 3<sup>rd</sup> Floor  
Frankfort, Kentucky 40601-8205  
Phone (502) 573-2738  
Fax (502) 573-4308  
[www.kentucky.gov](http://www.kentucky.gov)

**John C. Tilley**  
Secretary

**Carey D. Cockerell**  
Commissioner

February 11, 2019

Ms. Emily Caudill  
Legislative Research Commission  
029, Capitol Annex  
702 Capitol Avenue  
Frankfort, Kentucky 40601



Re: 505 KAR 1:100

Dear Regulations Compiler:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 505 KAR 1:100, the Department of Juvenile Justice proposes the attached suggested amendment to 505 KAR 1:100.

Sincerely,

Tricia Westmoreland  
Division of Program Services  
1036 Amberly Way  
Suite B  
Richmond, KY 40475

Revised: 2/8/19

**SUGGESTED AMENDMENT**

**JUSTICE AND PUBLIC SAFETY CABINET  
Department of Juvenile Justice**

**505 KAR 1:100. Department of Juvenile Justice Policies and Procedures: admissions.**

**Page 1**

**STATUTORY AUTHORITY**

**Line 7**

After "15A.160," insert "15A.210, 15A.305(5)."

**Page 1**

**Section 1(1)(a)**

**Lines 16-17**

After "Admissions," insert "February 11, 2019".

Delete "November 30, 2018".

**Line 18**

**DJJPP 200**

After "Definitions (Amended", insert "2/11/19".

Delete "11/30/28".

**Line 19**

**DJJPP 201**

After "Classification (Amended", insert "2/11/19".

Delete "11/30/18".

**Page 2**

**Section 1(1)(a)**

**Line 5**

**DJJPP 205**

After "Youth Rights (Amended", insert "2/11/19".

Delete "11/30/18".

**Page 2**

**Section 1(1)(b)**

**Line 15**

After "The Classification and Placement Manual", Amended", insert "2/11/19".

Delete "11/30/18".

**Changes to Material Incorporated by Reference:**

\* Page numbers are based on the dirty copy.

**DJJPP 200**

**Page 2**

**III.M.**

After "600.020", insert "(38)".

Delete "(35)".

**Page 3**

**III.O.**

After "O.", insert the following:

"Needs Assessment" means identifying dynamic or changeable risk factors, called criminogenic needs, that contribute to the youth's likelihood of reoffending which are to be utilized in case planning allowing for the targeting of treatment interventions for the youth and family or caregiver in order to reduce recidivism.

P.

Renumber paragraph "P." as "Q.".

**Page 3**

**III.P. (now renumbered as Q.)**

After "600.020", insert "(50)".

After the period, insert the following:

R. "Risk Assessment" means a standardized method of data collection that estimates the likelihood that continued delinquent behaviors will occur without intervention and guides intervention planning.

Renumber paragraph "Q." as "S.".

Renumber paragraphs "R." through "V." as "T." through "X.".

**Page 4**

**III.S.**

After ""Staff Secure"", insert the following:

is defined by KRS 600.020(64).

Delete the remainder of this definition in its entirety.

**DJJPP 201**

**Page 2**

**IV.D.**

After "justification for placement, the", insert the following:

risk assessment, needs assessment

Delete the following:

Risk and Criminogenic Needs Assessment (RCNA), the Criminogenic Needs Questionnaire (Needs-Q)

**Page 4**

**IV.I.2.c.**

After "timeframe", insert "shall not".

Delete "is not to".

**DJJPP 205**

**Page 2**

**IV.B.**

After "based on a youth's", delete "regardless of".

**IV.C.**

After "All requests", insert "shall be".

Delete "are".

**IV.H.**

After "neglect,", insert "and".

**Page 3**

**IV.N.**

After "security of the facility", insert "shall be".

Delete "are".

**Page 4**

**IV.T.**

After "towel, and washcloth", delete "and a towel".

**Classification and Placement Manual**

**Page 4**

**I.B.8.**

Delete this definition in its entirety.

Renumber paragraphs "9." through "12." as "8." through "11.".

**I.B.11. (now renumbered as 10.)**

After "KRS", insert a space.

After "600.020", insert "(35)" and a period.

Delete "(34)".

**I.B.12. (now renumbered as 11.)**

After "physically secure.", insert the following:

12. "Needs Assessment" means identifying dynamic or changeable risk factors, called criminogenic needs, that contribute to the youth's likelihood



of reoffending which are to be utilized in case planning allowing for the targeting of treatment interventions for the youth and family or caregiver in order to reduce recidivism.

**I.B.14.**

After "600.020", insert "(50)".

**Page 5**

**I.B.18.**

After "KRS 640.010.", delete "15.".

**I.B.22.**

After "22. "Risk", insert "Assessment".

Delete the following:

and Criminogenic Needs Assessment (RCNA)

**I.B.23.**

After ""Staff Secure"", insert the following:

is defined by KRS 600.020(64).

Delete the remainder of this definition in its entirety.

**I.B.26.**

After "Such placement", insert "shall".

Delete "is to".

**Page 7**

**II.A.1.**

After "shall complete the", insert "risk assessment".

Delete the following:

Risk and Criminogenic Needs Assessment (RCNA)

**Page 8**

**II.D.1.a.**

After "a. Youth", insert "shall".

Delete "must".

**II.E.1.d.**

After "more heavily.", delete the extra period.

**II.F.**

After "shall complete the", insert "needs assessment".

Delete the following:

Criminogenic Needs Questionnaire (Needs-Q)

**Page 9**

**II.G.**

After "shall submit the", insert "risk assessment".

Delete "the RCNA".

**II.H.**

After "shall submit the", insert "risk assessment".

Delete "RCNA".

**Page 10**

**II.J.**

After "J. Risk", delete "and Criminogenic Needs".

**Page 13**

**III.**

After "in Kentucky shall have a", insert the following:

risk assessment and needs assessment

Delete "RCNA and Needs-Q".

**Page 14**

**IV.B.1.**

After "Out-of-home placement", insert "shall".

Delete "will".

**IV.B.2.c.**

After "timeframe", insert "shall not".

Delete "is not to".

**Page 15**

**IV.B.3.c.**

After "timeframe", insert "shall not".

Delete "is not to".

**Page 16**

**V.A.1.d.**

After "Information (", insert "Risk assessment, Needs assessment".

Delete "RCNA, Needs-Q".

**V.B.1.**

After "consistent scoring on the", insert "risk assessment".

Delete "RCNA".

**Page 17**

**V.B.3.a.**

After "a.", insert "risk assessment".

Delete "RCNA".

**V.B.3.b.**

After "identified in the", insert "needs assessment".

Delete "Needs-Q".

**Pages 21-22**

**V.C.4.**

After "Factors to consider for Level 4", insert the following:

a. One of the following factors (a.i.-a.iv.):

i. Offense involved intentional death of victim;

ii. Previous AWOL from secure facility (detention, law enforcement custody, or Level 3 YDC);

iii. Youth is committed for an offense where he or she was personally responsible for a significant level of violent behavior; or

iv. Documented aggression towards staff, which is considered persons providing residential supervision; and

b. One of the following factors shall also be present (b.i.-b.iii):

i. Youth currently does not exhibit pro-social behaviors and therefore could not maintain appropriate behavior in a small group setting;

ii. Youth requires heightened security, supervision and multiple physical plant limitations to reduce opportunity for AWOL; or

iii. Age-appropriateness of youth age fourteen (14) or older.

Delete the remainder of subsection 4. in its entirety, including a. through g.



## JUSTICE AND PUBLIC SAFETY CABINET

**Matthew G. Bevin**  
Governor

### Department of Juvenile Justice

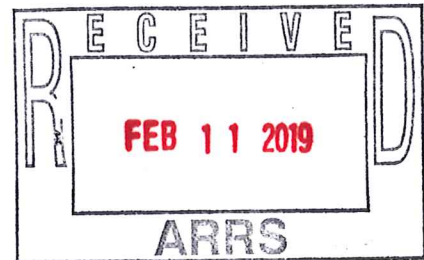
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**John C. Tilley**  
Secretary

**Carey D. Cockerell**  
Commissioner

February 11, 2019

Ms. Emily Caudill  
Legislative Research Commission  
029, Capitol Annex  
702 Capitol Avenue  
Frankfort, Kentucky 40601



Re: 505 KAR 1:110

Dear Regulations Compiler:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 505 KAR 1:110, the Department of Juvenile Justice proposes the attached suggested amendment to 505 KAR 1:110.

Sincerely,

Tricia Westmoreland  
Division of Program Services  
1036 Amberly Way  
Suite B  
Richmond, KY 40475

2/8/19

**SUGGESTED AMENDMENT**

**JUSTICE AND PUBLIC SAFETY CABINET**

**Department of Juvenile Justice**

**505 KAR 1:110. Department of Juvenile Justice Policy and Procedures Manual: program services.**

**Page 1**

**STATUTORY AUTHORITY**

**Line 7**

After "15A.160," insert "15A.210".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 10**

After "635.095", insert a comma.

**Page 1**

**Section 1(1)**

**Line 16**

After "Program Services", insert "February 11, 2019".

Delete "November 8, 2018".

**Page 1**

**Section 1(1)**

**Line 18**

**DJJPP 300**

After "Definitions (Amended", insert "2/11/19".

Delete "11/08/18".

**Line 21**

**DJJPP 301**

After "Intake and Orientation (Amended", insert "2/11/19".

Delete "11/08/18".

**Page 2**

**Section 1(1)**

**Line 4**

**DJJPP 302**

After "Aftercare Plan (Amended", insert "2/11/19".

Delete "11/08/18".

**Line 7**

**DJJPP 306**

After "Level System (Amended", insert "2/11/19".

Delete "11/08/18".

**Line 8**

**DJJPP 307**

After "Counseling Services (Amended", insert "2/11/19".

Delete "11/08/18".

**Page 3**

**Section 1(1)**

**Line 2**

**DJJPP 321**

After "Incident Reporting (Amended", insert "2/11/19".

Delete "11/08/18".

**Line 5**

**DJJPP 324**

After "Restraints (Amended", insert "2/11/19".

Delete "11/08/18".

**Line 7**

**DJJPP 326**

After "Chain of Custody (Amended", insert "2/11/19".

Delete "11/08/18".

**Line 16**

**DJJPP 334**

After "Centers", insert a colon.

**Pages 3-4**

**Section 1(1)**

**Lines 23, 1**

**DJJPP 339**

After "Staffing (Amended", insert "2/11/19".

Delete "11/08/18".

**Page 4**

**Section 1(1)**

**Line 4**

**DJJPP 343**

After "Safety (Amended", insert "2/11/19".

Delete "11/08/18".

**Lines 8-9**

**DJJPP 347.1**

After "Time Credit for Youthful Offenders (Amended", insert "2/11/19".

Delete "11/08/18".

**Lines 12-13**

**DJJPP 354**

After "Release for Youthful Offenders (Added", insert "2/11/19".

Delete "11/08/18".

**Line 15**

**DJJPP 361**

After "Processes", delete the period.

**Changes to Material Incorporated by Reference:**

\* Note: Page numbers are based on the dirty copy

**DJJPP 300**

**Page 2**

**III.F.**

After ""Caregiver", insert a closing quotation mark.

**Page 4**

**III.DD.**

After ""Human Trafficking"", insert the following:  
is defined by KRS 529.010.

Delete the remainder of this definition in its entirety.

**Page 6**

**III.VV.**

After "youth and family", insert "or caregiver".

**Page 7**

**III.KKK.**

After "510.120(1)", insert "(b)".  
Delete "(c)".

**Page 9**

**III.SSS.**

After "regain control", insert "of".

**Page 10**

**III.FFFF.** After "600.020", insert "(72)".

Delete "(69)".

**DJJPP 301**

**Page 2**

**IV.C.**

After "Physical and", insert "Behavioral".

Delete "Mental".

After "Health Challenges)", remove "[policies]".

**DJJPP 302**

**Page 3**

**IV.C.2.**

After "caregiver that", insert "targets".

Delete "target".

**DJJPP 306**

**Page 6**

**IV.G.3.**

After "KRS", insert "15A.0652".

Delete "15A.0862".

**DJJPP 307**

**Page 2**

**IV.F.1.**

After "what the youth", insert "says".

Delete "has said".

**Page 4**

**IV.I.7.**

After "counseling sessions", insert "shall".

Delete "will".

After "but", insert "shall".



**V.B.1.**

After "quarterly", insert a period.  
Delete "; and".

**DJJPP 321**

**Page 4**

**IV.L.**

After "harm to a", insert "youth".  
Delete "juvenile".

**DJJPP 324**

**Page 4**

**IV.H.**

After "H.", insert the following:

A youth who is known to be pregnant shall be restrained solely with handcuffs in front of her body unless further restraint is required to protect herself or others. Staff shall not utilize a prone restraint on pregnant youth. Except in an extraordinary circumstance, no youth who is known to be pregnant shall be restrained during labor, during transport to a medical facility or birthing center for delivery, or during postpartum recovery. The Director of Medical Services shall provide guidance on the use of restraints on pregnant youth prior to active labor and delivery.

Delete the remainder of subsection H. in its entirety.

**DJJPP 326**

**Page 3**

**IV.E.**

Renumber paragraphs "4." and "5." as "3." and "4.".

**DJJPP 339**

**Page 1**

**IV.B.**

After "The Superintendent shall meet", insert "annually".  
Delete "bi-annually".

**DJJPP 343**

**Page 1**

**IV.B.**

After "The Superintendent", insert "shall".

**DJJPP 347.1**

**Page 2**

**IV.B.1.a.**

After "a.", insert "Statutory Good Time".

Delete "Good behavior".

**IV.B.1.b.**

After "b.", insert "Meritorious Good Time for".

Lowercase "Performing".

**IV.B.1.c.**

After "c.", insert the following:

Extraordinary Meritorious Good Time for

Lowercase "Acts".

**DJJPP 354**

**Page 1**

**Chapter Box**

Insert "Program Services".

Delete the following:

Sentence Expiration Date and Paroled Release for Youthful Offenders

**Subject Box**

Insert the following:

Sentence Expiration Date and Parole Release for Youthful Offenders



## JUSTICE AND PUBLIC SAFETY CABINET

**Matthew G. Bevin**  
Governor

### Department of Juvenile Justice

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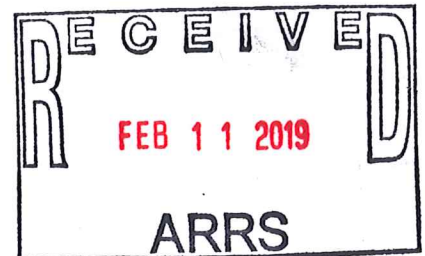
**John C. Tilley**  
Secretary

**Carey D. Cockerell**  
Commissioner

February 11, 2019

Ms. Emily Caudill  
Legislative Research Commission  
029, Capitol Annex  
702 Capitol Avenue  
Frankfort, Kentucky 40601

Re: 505 KAR 1:180



Dear Regulations Compiler:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 505 KAR 1:180, the Department of Juvenile Justice proposes the attached suggested amendment to 505 KAR 1:180.

Sincerely,

Tricia Westmoreland  
Division of Program Services  
1036 Amberly Way  
Suite B  
Richmond, KY 40475

2/8/19

**SUGGESTED AMENDMENT**

**JUSTICE AND PUBLIC SAFETY CABINET**

**Department of Juvenile Justice**

**505 KAR 1:180. Department of Juvenile Justice Policy and Procedures Manual: day treatment services.**

**Page 1**

**STATUTORY AUTHORITY**

**Line 7**

After "15A.160," insert "15A.210".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 10**

After "635.095", insert a comma.

**Page 1**

**Section 1(1)**

**Line 16**

After "Treatment Services", insert "February 11, 2019".

Delete "November 8, 2018".

**Line 18**

**DJJPP 1000**

After "Definitions (Added", insert "2/11/19".

Delete "11/08/18".

**Line 20**

**DJJPP 1002**

After "Admissions (Added", insert "2/11/19".

Delete "11/08/18".

**Line 21**

**DJJPP 1003**

After "Orientation (Added", insert "2/11/19".

Delete "11/08/18".

**Page 2**

**Section 1(1)**

**Line 2**

**DJJPP 1005**

After "Property (Added", insert "2/11/19".

Delete "11/08/18".

**Line 5**

**DJJPP 1008**

After "Plan (Added", insert "2/11/19".

Delete "11/08/18".

**Line 6**

**DJJPP 1009**

After "Responsibility (Added", insert "2/11/19".

Delete "11/08/18".

**Line 7**

**DJJPP 1010**

After "Services (Added", insert "2/11/19".

Delete "11/08/18".

**Line 9**

**DJJPP 1012**

After "Records (Added", insert "2/11/19".

Delete "11/08/18".

**Line 11**

**DJJPP 1014**

After "Management (Added", insert "2/11/19".

Delete "11/08/18".

**Line 12**

**DJJPP 1015**

After "Incentives (Added", insert "2/11/19".

Delete "11/08/18".

**Line 13**

**DJJPP 1016**

After "Restrains (Added", insert "2/11/19".

Delete "11/08/18".

**Line 14**

**DJJPP 1017**

After "Searches (Added", insert "2/11/19".

Delete "11/08/18".

**Line 15**

**DJJPP 1018**

After "Custody (Added", insert "2/11/19".

Delete "11/08/18".

**Line 16**

**DJJPP 1019**

After "Reporting (Added", insert "2/11/19".

Delete "11/08/18".

**Line 17**

**DJJPP 1020**

After "Procedure (Added", insert "2/11/19".

Delete "11/08/18".

**Line 18**

**DJJPP 1021**

After "Students (Added", insert "2/11/19".

Delete "11/08/18".

**Line 19**

**DJJPP 1022**

After "Staffing (Added", insert "2/11/19".

Delete "11/08/18".

**Line 20**

**DJJPP 1023**

After "Records (Added", insert "2/11/19".

Delete "11/08/18".

**Line 21**

**DJJPP 1024**

After "Transition (Added", insert "2/11/19".

Delete "11/08/18".

**Line 23**

**DJJPP 1026**

After "Safety (Added", insert "2/11/19".

Delete "11/08/18".

**Page 3**

**Section 1(1)**

**Line 1**

**DJJPP 1027**

After "Services (Added", insert "2/11/19".

Delete "11/08/18".

**Line 2**

**DJJPP 1028**

After "Recreation (Added", insert "2/11/19".

Delete "11/08/18".

**Line 3**

**DJJPP 1029**

After "Programs (Added", insert "2/11/19".

Delete "11/08/18".

**Line 4**

**DJJPP 1030**

After "Testing (Added", insert "2/11/19".

Delete "11/08/18".

**Line 5**

**DJJPP 1031**

After "Students (Added", insert "2/11/19".

Delete "11/08/18".

**Line 6**

**DJJPP 1032**

After "Account (Added", insert "2/11/19".

Delete "11/08/18".

**Changes to Material Incorporated by Reference:**

\* Note: Page numbers are based on the dirty copy

**DJJPP 1000**

**Page 2**

**III.F.**

After "Disabilities Education", insert "Improvement".

Delete "Improved".

After "identify,", delete the period before "locate".

After "Reference 34 CFR§ 300", insert ".111".

Delete ":11".

**Page 4**

**III.Y.**

After "required to complete", insert "an".

Delete "and".

**III.Z.**

After "needs assessment,", insert "and".

Delete "or".

**Page 5**

**III.II.**

After "resident,", insert "or".

**III.MM.**

After "510.120(1)", insert "(b)".

Delete "(c)".

**Page 6**

**III.PP.**

After "regain control", insert "of".

**III.UU.**

After "Fund Account""", insert "means".

Delete "is".

**Page 7**

**III.VV.**

After "Activity Funds""", insert "means".

Delete "are".



**DJJPP 1002**

**Page 2**

**IV.B.2.i.**

After "of placement", insert a semicolon.

Delete the period.

**IV.B.2.j.**

After "gathering information", insert a semicolon.

Delete the period.

**IV.B.2.k.**

After "to the Department", insert "; and".

Delete the period.

**IV.B.3.**

After "a response in writing", delete the comma.

**DJJPP 1003**

**Page 2**

**IV.A.1.i.**

After "of placement", insert a semicolon.

Delete the period.

**IV.A.1.j.**

After "gathering information", insert a semicolon.

Delete the period.

**IV.A.1.k.**

After "to the Department", insert "; and".

Delete the period.

**IV.A.2.**

After "Physical and", insert "Behavioral".

Delete "Mental".

**Page 3**

**IV.D.1.e.**

After "Prescription dates", insert "shall".

Delete "must".

**DJJPP 1005**

**Page 2**

**IV.J.**

After "who have left", delete "in".

**DJJPP 1008**

**Page 1**

**IV.A.1.**

After "The JSW shall complete the", insert "risk".

After "(Initial Contact and Court Support for Public Offenders) & (Initial Contact and Court Support for", insert "Youthful".

Delete "Public".

**Page 2**

**IV.A.1.e.**

After "or caregiver", insert a period.

Delete the comma.

**IV.B.2.**

After "caregiver;", delete "and".

**IV.B.3.**

After "in this conference", insert ";and".

Delete the period.

**IV.B.C.**

After "for the student and parent or caregiver that", insert "targets".

Delete "target".

**Page 4**

**IV.F.3.**

After "caregiver;", delete "and".

**IV.F.4.**

After "ITP reviews", insert a semicolon.

Delete the period.

**IV.F.5.**

After "designee", insert ";and".

Delete the period.

**DJJPP 1009**

**Page 1**

**II.**

After "day treatment", insert "programs".

Delete "program".

**DJJPP 1010**

**Page 1**

**IV.A.**

After "counseling services", insert the following:

as approved by the Chief of Mental Health Services

**IV.E.**

After "required counseling services, this", insert "shall".  
Delete "will".

**Page 2**

**IV.F.1.**

After "what the student", insert "says".  
Delete "has said".

**Page 3**

**IV.H.6.**

After "end of treatment team;", delete "and".

**IV.H.7.**

After "treatment objectives", insert "; and".  
Delete the period.

**V.A.**

After "quarterly", insert a period.  
Delete "; and".

**DJJPP 1012**

**Page 3**

**IV.D.**

Renumber as "C".  
Renumber remaining subsections accordingly.

**DJJPP 1014**

**Page 3**

**IV.I.**

After "Higher level students", insert "shall be".  
Delete "are".

**DJJPP 1015**

**Page 1**

**I.**

After "consequences for a student's behavior.", delete "Corporal punishment,".  
Capitalize "the".  
After "mechanical restraints,", delete the following:  
abuse, assault, personal property damage, harassment,

**Page 2**

**IV.H.2.**

After "verbally", insert "abusive".

Delete "abuse".

**DJJPP 1016**

**Page 1**

**I.**

After "503", remove the underlining from the period.

**IV.A.**

After "DJJ staff", insert "shall not use".

Delete "are prohibited from using".

**Page 2**

**IV.G.**

After "G.", insert the following:

A youth who is known to be pregnant shall be restrained solely with handcuffs in front of her body unless further restraint is required to protect herself or others. Staff shall not utilize a prone restraint on pregnant youth. Except in an extraordinary circumstance, no youth who is known to be pregnant shall be restrained during labor, during transport to a medical facility or birthing center for delivery, or during postpartum recovery. The Director of Medical Services shall provide guidance on the use of restraints on pregnant youth prior to active labor and delivery.

Delete the remainder of subsection G. in its entirety.

**DJJPP 1017**

**Page 1**

**II.**

After "DJJ operated", insert "day".

**IV.A.**

After "in any", insert "day".

**IV.B.**

After "protect students", delete the comma.

**Page 2**

**IV.K.5.**

After "pat down search", insert a period.

**DJJPP 1018**

**Page 3**

**IV.E.4. and 5.**

Renumber as "3." and "4."

**DJJPP 1019**

**Pages 1-2**

**IV.A.3.**

After "Assault", insert a comma.

Delete "or".

After "attempted assault", insert ", or threatened assault".

**IV.A.2. (second occurrence)**

Renumber as "4".

Renumber remaining paragraphs accordingly.

**IV.A.14.**

Delete this paragraph in its entirety.

Renumber remaining paragraphs accordingly.

**IV.A.15.**

After "program disruption", insert the following:  
that threatens the safety of students or staff

**Page 3**

**IV.D.6. and 7.**

Renumber as "5." and "6."

**Page 4**

**IV.G.**

After "(ICR).", insert the following:

An incident report that is medical in nature shall not be filed in the student's ICR.

**IV.J.**

After "sign off on the incident report,", insert "and".

After "if applicable", insert a period.

**IV.K.**

After "preliminary review of", insert the following:

all incidents involving injury, assaultive behavior (sexual or violent), suicide attempt, and any situation that may result in harm to a student or staff. The Superintendent shall

Delete "the incident and".

**IV.M.**

Renumber as "L".

Renumber remaining subsections accordingly.

**IV.M.1.**

After "of staff and the", insert "student's".

Delete "student".

**IV.N.2.**

After "involving a student", insert "who".

**IV.N.4.**

After "designee", insert "of any of the following:".

**IV.N.5.**

After "later than", insert "four (4)".

Delete "two (2)".

**DJJPP 1020**

**Page 2**

**IV.J.**

After "J.", insert the following:

A student may be limited in filing a grievance on issues already grieved and decided.

Delete the following:

Only one grievance per student may be filed at any one time on a single incident or issue of concern.

**IV.Q.1.**

After "within two (2) school", insert "days".

**Page 3**

**IV.Q.3.**

After "staff key control", insert the following:

only by the grievance officer or designee

**IV.S.1.**

After "the grievance", insert "shall be".

Delete "is".

**DJJPP 1021**

**Page 1**

**II.**

After "operated day treatment", insert "programs".

Delete "program".

**Page 2**

**IV.D.1.**

After "1. A facility", insert "with".

Delete "housing".

**IV.D.2.**

After "2. A facility", insert "with".

Delete "housing".

**DJJPP 1022**

**Page 1**

**II.**

After "each DJJ operated day treatment", insert "program".

Delete "programs".

**IV.B.**

After "school administrator", insert the following:

, DJJ Education Branch staff, and OCTE

**IV.D.**

After "shall provide", insert "administrative".

Delete "direct".

**DJJPP 1023**

**Page 2**

**IV.F.**

After "within", insert "fourteen (14)".

Delete "twenty-one (21)".

**IV.F.4.**

After "4.", insert the following:

The results of a career aptitude assessment tool;

Delete the remainder of this paragraph in its entirety.

**IV.F.6.**

Delete "Task sheets;".

Renumber remaining paragraphs accordingly.

**DJJPP 1024**

**Page 3**

**IV.R.**

After "Improvement Act", insert "(IDEA)".

Delete "IDESA)".

After "34 C.F.R. 300.", insert "111".

Delete "11".

**DJJPP 1026**

**Page 1**

**IV.C.**

After "shall ensure", insert "that".

After "students", insert "only".

Delete "may".

**DJJPP 1027**

**Page 2**

**IV.D.1.**

After "surveys of the", insert "students".

Delete "student".

**DJJPP 1028**

**Page 1**

**IV.B.**

After "viewed by", insert "students".

Delete "student".

**Page 2**

**IV.G.**

After "Safety of", insert "students".

Delete "student's".

**IV.L.**

After "shall be provided", insert "and may include".

Delete ", for example:".

**DJJPP 1029**

**Page 1**

**I.**

After "shall provide", insert "students".

Delete "student".

**IV.C.**

After "assisting employable", insert "students".

Delete "student's".

**IV.D.**

After "If", insert "students".

Delete "student's".

After "participation in", insert "a".

**Page 2**

**IV.F.**

After "permitted for minor", insert "students".

Delete "student's".



**DJJPP 1030**

**Page 1**

**IV.C.**

After "C. A drug screening", insert "document".

Delete "log".

After "Each", insert "document".

Delete "log".

**DJJPP 1031**

**Page 2**

**IV.C.3.a.iii.**

After "prior to the student", delete "being".

**IV.C.5.**

Renumber as "4.".

**Page 3**

**IV.D.9.**

After "DJJPP Chapter 3 (", insert "Escape and".

After "Without Leave", delete "(AWOL) and Escape".

**IV.D.12.d.**

After "d.", insert "The student's".

Delete "Students".

**DJJPP 1032**

**Page 2**

**IV.K.**

After "shall be concluded with", delete the space before "in".

**IV.L.4.**

After "secondary trustee", delete the following:  
and deposited in the account

**Page 3**

**IV.X.**

After "shall be forwarded", insert the following:  
through the chain of command



## JUSTICE AND PUBLIC SAFETY CABINET

**Matthew G. Bevin**  
Governor

### Department of Juvenile Justice

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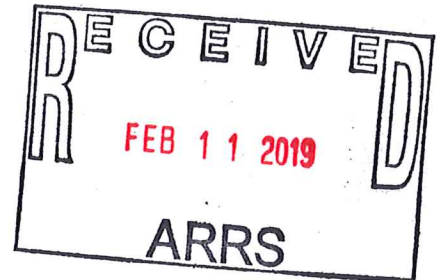
**John C. Tilley**  
Secretary

**Carey D. Cockerell**  
Commissioner

February 11, 2019

Ms. Emily Caudill  
Legislative Research Commission  
029, Capitol Annex  
702 Capitol Avenue  
Frankfort, Kentucky 40601

Re: 505 KAR 1:190



Dear Regulations Compiler:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 505 KAR 1:190, the Department of Juvenile Justice proposes the attached suggested amendment to 505 KAR 1:190.

Sincerely,

Tricia Westmoreland  
Division of Program Services  
1036 Amberly Way  
Suite B  
Richmond, KY 40475

2/8/19

**SUGGESTED AMENDMENT**

**JUSTICE AND PUBLIC SAFETY CABINET  
Department of Juvenile Justice**

**505 KAR 1:190. Department of Juvenile Justice Policy and Procedures: interstate compact for juveniles.**

**Page 1**

**STATUTORY AUTHORITY**

**Line 7**

After "15A.160," insert "15A.210".

**Page 1**

**Section 1(1)**

**Line 16**

After "Interstate Compact of Juveniles"," insert "February 11, 2019".

Delete "November 30, 2018".

**Page 1**

**Section 1(1)**

**Line 18**

**DJJPP 1200**

After "Definitions (Added", insert "2/11/19".

Delete "11/30/18".

**Page 1**

**Section 1(1)**

**Line 19**

**DJJPP 1201**

After "Referrals (Added", insert "2/11/19".

Delete "11/30/18".

**Changes Made to Material Incorporated by Reference:**

**DJJPP 1200**

**Page 2**

**III.Q.**

After "Q.", insert an opening quotation mark before "Court".

Delete the closing quotation mark and the extra space.

**Page 3**

**III.EE.**

After "Article III of this", delete "6".

**DJPP 1201**

**Page 4**

**IV.D.3.c.**

After "Risk", delete "and Criminogenic Needs".

After "Assessment", delete "(RCNA)".

**IV.D.3.d.**

After "d.", insert "Needs Assessment".

Delete the following:

Criminogenic Needs Questionnaire (Needs-Q)

**Page 7**

**IV.I.15.**

After "register when required", insert "shall".

Delete "will".

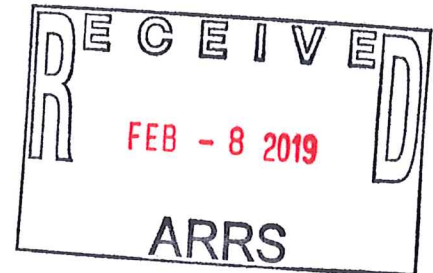


Matthew G. Bevin  
Governor

COMMONWEALTH OF KENTUCKY  
TRANSPORTATION CABINET  
Frankfort, Kentucky 40622  
[www.transporation.ky.gov](http://www.transporation.ky.gov)

Greg Thomas  
Secretary

February 07, 2019



Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029 Capitol Annex  
Frankfort, KY 40601

**RE: 603 KAR 2:015.** Prequalification for construction; Certificate of eligibility; and contract claims dispute.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 603 KAR 2:015, the Transportation Cabinet, proposes the attached amendment to 603 KAR 2:015.

Sincerely,

Jon H. Johnson  
Assistant General Counsel  
Office of Legal Services  
Transportation Cabinet  
200 Mero Street  
Frankfort, Kentucky 40622  
(502) 564-7650

**Suggested Amendment**

**Final Version: 2/6/2019 12:55 PM**

**TRANSPORTATION CABINET  
Department of Highways  
Division of Construction Procurement**

**603 KAR 2:015. Prequalification for construction, certificate of eligibility, and contract claims dispute.**

**Page 2**

**Section 2(1)(b)1.**

**Line 9**

After "The department may", insert ", for reasons of practicality.".

**Page 2**

**Section 3(1)**

**Line 18**

After "TC 14-1,", insert the following:  
notarized by a notary who is not an officer of the company.

**Page 3**

**Section 3(2)(b)**

**Lines 7 Through 9**

After "accepted auditing standards", delete the remainder of paragraph (b), except the period.

**Page 4**

**Section 4(3)(b)**

**Line 14**

After "by the department", delete the comma.

**Line 15**

After "to the contractor", insert a comma.

**Line 16**

After "whom the contractor", insert "is".  
Delete "may be".

**Page 4**

**Section 5(1)(b)**

**Line 20**

After "determination of eligibility", insert the following:  
, based on KRS 176.130 through 176.220 and this administrative regulation.

**Page 5**

**Section 5(1)(c)**

**Line 4**

After "determination of eligibility", insert the following:  
, based on KRS 176.130 through 176.220 and this administrative regulation,

**Pages 7 and 8**

**Section 7(1)**

**Lines 21 Through 23 and 1 and 2**

After "(1)", insert the following:

A certificate of eligibility shall be subject to suspension, revocation, or a reduction in the maximum eligibility amount upon receipt of information or evidence that a holder of a certificate of eligibility has failed to perform satisfactorily by failure to comply with the laws, administrative regulations, or specifications applicable to a contract or subcontract

Delete the remainder of subsection (1), except the period.

**Page 9**

**Section 8(6)(d)**

**Line 15**

After "delayed the operation", delete the comma.

**Page 9**

**Section 8(6)(e)1.**

**Line 18**

After "to the delay", delete the comma.

**Page 10**

**Section 8(7)(d)**

**Lines 20 and 21**

After "limits established in", insert the following:  
paragraphs (a) and (b) of this subsection

Delete the following:  
subsection (7)(a) and (b) of this section

**Page 11**

**Section 8(10)**

**Line 3**

After "(10)", insert the notation, "(a)".

**Line 4**

After "to both parties.", insert the notation, "(b)".

Matthew G. Bevin  
Governor



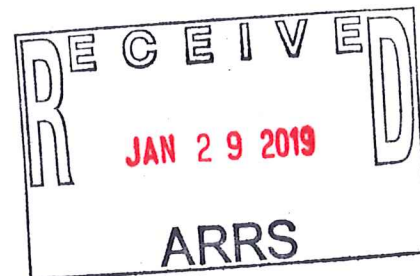
**ALCOHOLIC BEVERAGE CONTROL**

PUBLIC PROTECTION CABINET  
1003 Twilight Trail  
Frankfort, Kentucky 40601  
502-564-4850 (o)  
502-564-7479 (f)

K. Gail Russell  
Acting Secretary

Christine Trout Van Tatenhove  
Commissioner

January 28, 2019



ARRS Co-Chairs  
c/o Ms. Emily Caudill, Regulations Compiler  
Legislative Research Commission  
029, Capitol Annex  
Frankfort, KY 40601

**RE: 804 KAR 1:030 – Prohibited alcoholic beverage advertisements**

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff, the Kentucky Alcoholic Beverage Control Board proposes the attached amendments to 804 KAR 1:030.

Please let me know if you have any questions or need additional information.

Sincerely,

Christine Trout Van Tatenhove, Chairman  
Department of Alcoholic Beverage Control

Enclosure

cc: Steve Humphress, General Counsel



**Staff-suggested Amendment**

**Version 1/23/2019 11:30 a.m.**

**PUBLIC PROTECTION CABINET**

**Department of Alcoholic Beverage Control**

**804 KAR 1:030. Prohibited alcoholic beverage advertisements.**

**Page 1**

**Section 1(2)**

**Line 17**

After "Disparage, slander", insert "L".

**Page 2**

**Section 1(4)**

**Lines 9 and 10**

After "with any municipal, state", insert "L".

After "federal authorization, law", insert "L".

After "and if a municipal, state", insert "L".

**Page 4**

**Section 1(6)**

**Lines 1 and 2**

After "other like representation if", insert "the".

Delete "such".

After "is untrue in any particular", delete ", ".

**Page 4**

**Section 1(8)**

**Line 16**

After "(8) Relate to", delete ", ".

**Page 4**

**Section 1(9)**

**Line 23**

After "endorsed, made,", delete "or".

After "used by,", delete "or".

**Page 5**

**Section 1(9)**

**Line 1**

After "supervision or approval of", delete ",".

**Page 5**

**Section 1(10)**

**Line 5**

After "coupons or limited samples", insert "that".

Delete "which".

**Page 5**

**Section 1(11)**

**Line 7**

After ""unlimited drinks"", insert "L".

After "other phrase or terms", insert "that".

Delete "which".

**Page 5**

**Section 1(12)**

**Lines 10 and 12**

After "any action, directly" delete ",".

After "the advertising, promotion", insert "L".

After "initiate, maintain", insert "L".

After "consumption of alcoholic beverages" insert "L".

Delete ".".



MATTHEW G. BEVIN  
GOVERNOR

CHARLES G. SNAVELY  
SECRETARY

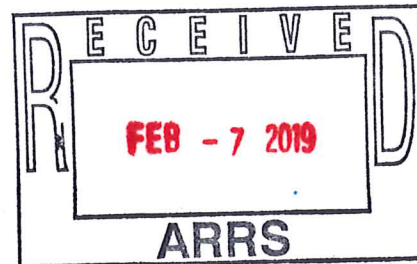
**ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR NATURAL RESOURCES**

JOHN D. SMALL  
COMMISSIONER

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601

February 7, 2019

Senator West, Co-Chair  
Representative Hale, Co-Chair  
c/o Regulations Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601



Re: **805 KAR 7:080** - Training, certification, and annual retraining of mine emergency technicians

Dear Co-Chair West and Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 805 KAR 3:100, the Department for Natural Resources proposes the attached amendment to 805 KAR 3:100.

Sincerely,

Michael S. Mullins  
Regulation Coordinator

**Suggested Amendment**

**Final Version: 1/29/2019 3:06 PM**

**ENERGY AND ENVIRONMENT CABINET  
Department for Natural Resources  
Division of Mine Safety**

**805 KAR 7:080. Training, certification, and annual retraining of mine emergency technicians.**

**Page 1**

**RELATES TO**

**Line 6**

After "KRS 351.010(1)", insert "(n)".

**Page 1**

**Section 1(1)**

**Line 15**

After "(1) "Current"", insert "means".

After "and its certification,", delete "means".

**Page 2**

**Section 2(2)**

**Lines 10 and 11**

After "with a current", insert "cardio pulmonary resuscitation (CPR)".

Delete "CPR".

**Page 2**

**Section 3(1)(a)**

**Line 14**

After "(a) Instruction in", insert "CPR".

Delete "cardio pulmonary resuscitation (CPR)".

**Page 4**

**Section 3(2)(c)**

**Line 1**

After "audiovisual", insert a comma.

**Page 4**

**Section 4(1)**

**Line 7**

After "certification examination,", insert "the".

After "verification on a", insert the following:

Mine Safety and Health Administration

**Page 4**

**Section 4(2)**

**Line 11**

After "(2) The", insert the following:

Mine Safety and Health Administration

**Line 12**

After "certification number, and", insert "be".

**Page 4**

**Section 4(4)(b)1.a.**

**Line 22**

After "The first part", insert ", which".

**Page 5**

**Section 4(4)(b)1.b.**

**Line 1**

After "all mandatory stations", insert ", and".

Delete the period.

**Page 5**

**Section 4(4)(b)2.a.**

**Line 2**

After "2.a. The second part", insert ", which".

**Page 5**

**Section 4(4)(b)2.b.**

**Line 4**

After "skills on which", insert "to".

Delete "he shall".

**Page 5**

**Section 4(5)(a)**

**Lines 6 and 7**

After "of the examination,", insert "the applicant".

Delete "he".

**Page 5**

**Section 4(6)**

**Lines 10 and 11**

After "portion after reexamination,", insert "the applicant".

Delete "he".

**Page 5**

**Section 5(1)(a)**

**Line 13**

After "(1)(a) For", insert "an".

Delete "a".

**Page 5**

**Section 5(1)(b)**

**Line 17**

After "(b)", insert "An".

Delete "A".

**Page 5**

**Section 5(3)(a)**

**Line 21**

After "(3)(a)", insert "An".

Delete "A".

**Page 6**

**Section 5(7)(b)**

**Line 14**

After "certification number, and", insert "be".

**Page 6**

**Section 6(1)**

**Line 18**

After "(1)", insert "An".

Delete "A".

**Line 20**

After "continuing education requirements", insert "established".

Delete "detailed".

**Page 7**

**Section 7**

**Lines 1 and 2**

After "an expired certification", insert the following:

. An expired certification shall be reinstated as established in subsections (1) and (2) of this section.

Delete "as follows:".

**Page 7**

**Section 7(1)**

**Line 4**

After "certification reinstatement", insert the following:

. Certification reinstatement shall be accomplished

**Page 7**

**Section 7(2)**

**Line 11**

After "certification reinstatement", insert the following:  
    . Certification reinstatement shall be accomplished

**Page 7**

**Section 7(2)(b)**

**Line 14**

After "established in Section 3", insert "(1)(a)".

**Page 7**

**Section 8**

**Line 21**

After "Section 8. Designation of", insert "an".  
Delete "a".

**Page 7**

**Section 8(1)**

**Line 21**

After "to function as", insert "an".  
Delete "a".

**Page 8**

**Section 8(2)**

**Line 4**

After "to function as", insert "an".  
Delete "a".

**Page 8**

**Sections 8(3)(b) and (3)(b)1.**

**Lines 12 and 13**

After "mine site; and", insert "(c)".

**Page 8**

**Section 9**

**Line 17**

After "being certified as", insert "an".  
Delete "a".

**Page 9**

**Section 10(1)**

**Line 2**

After "audio-visual", insert a comma.

**Lines 2 and 3**

After "and other materials", insert the following:  
approved by the Division of Mine Safety, in accordance with  
805 KAR Chapter 7

Delete the following:  
deemed appropriate by the department

**Page 9**

**Section 10(2)**

**Line 4**

After "of Mine Safety", insert "at least".

**Line 5**

After "days prior to", delete "his".

**Page 9**

**Section 10(5)**

**Line 12**

After "continuing education courses,", insert "provide".

**Line 13**

After "form, EF-16,", delete "shall be provided".

**Page 9**

**Section 10(6)(a)**

**Line 15**

After "(6)(a)", delete "Shall".  
Capitalize the first letter of "submit".

**Page 9**

**Section 10(6)(b)**

**Lines 18 and 19**

After "by the MET,", insert "be".

**Line 19**

After "certification number, and", insert "be".

**Page 10**

**Section 11(1)(c)**

**Line 6**

After "Maintain patient confidentiality;", insert "or".

**Page 10**

**Section 11(2)**

**Lines 8 and 9**

After "or probation of", insert "an".  
Delete "a".





Matthew G. Bevin  
Governor

K. Gail Russell, Acting Secretary  
Public Protection Cabinet

H.E. Corder II, Executive Director  
Kentucky Real Estate Authority

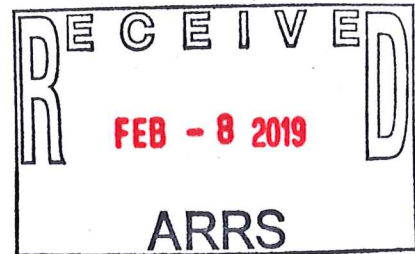
**Kentucky Real Estate Authority**  
656 Chamberlin Avenue, Suite B  
Frankfort, Kentucky 40601  
Telephone: (502) 564-7760  
Fax: (502) 564-3969

Authority Boards  
Kentucky Real Estate Commission  
Kentucky Real Estate Appraisers Board  
Kentucky Board of Auctioneers  
Kentucky Board of Home Inspectors

Heather L. Becker, General Counsel  
Kentucky Real Estate Authority

February 8, 2019

Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Emily Caudill  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601



Re: 815 KAR 6:001. Definitions for 815 KAR Chapter 6.

Dear Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 815 KAR 6:001, the Kentucky Real Estate Authority and Kentucky Board of Home Inspectors propose the attached amendment to 815 KAR 6:001.

Sincerely,

Heather L. Becker, General Counsel  
Kentucky Real Estate Authority  
Kentucky Board of Home Inspectors  
656 Chamberlin Avenue, Suite B  
Frankfort, Kentucky 40601

12/20/2018

**SUGGESTED AMENDMENT**

**PUBLIC PROTECTION CABINET  
Kentucky Real Estate Authority  
Kentucky Board of Home Inspectors**

**815 KAR 6:001. Definitions for 815 KAR Chapter 6.**

**Page 2**

**Section 1(4)**

**Line 7**

After "birth month", insert the following:  
as required by KRS 198B.722(1) or (2)

**Page 2**

**Section 1(8)**

**Lines 14-15**

After "days of expiration", insert the following:  
as required by 815 KAR 6:010, Section 5(2)(d)



Matthew G. Bevin  
Governor

K. Gail Russell, Acting Secretary  
Public Protection Cabinet

H.E. Corder II, Executive Director  
Kentucky Real Estate Authority

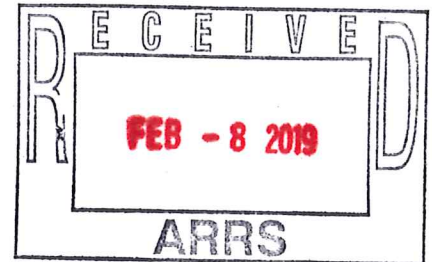
**Kentucky Real Estate Authority**  
656 Chamberlin Avenue, Suite B  
Frankfort, Kentucky 40601  
Telephone: (502) 564-7760  
Fax: (502) 564-3969

Authority Boards  
Kentucky Real Estate Commission  
Kentucky Real Estate Appraisers Board  
Kentucky Board of Auctioneers  
Kentucky Board of Home Inspectors

Heather L. Becker, General Counsel  
Kentucky Real Estate Authority

February 8, 2019

Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Emily Caudill  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601



Re: 815 KAR 6:010. Licensing requirements.

Dear Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 815 KAR 6:010, the Kentucky Real Estate Authority and Kentucky Board of Home Inspectors propose the attached amendment to 815 KAR 6:010.

Sincerely,

Heather L. Becker, General Counsel  
Kentucky Real Estate Authority  
Kentucky Board of Home Inspectors  
656 Chamberlin Avenue, Suite B  
Frankfort, Kentucky 40601

Revised: 1/8/2019

**SUGGESTED AMENDMENT**

**PUBLIC PROTECTION CABINET  
Kentucky Real Estate Authority  
Kentucky Board of Home Inspectors**

**815 KAR 6:010. Licensing requirements.**

**Page 1**

**RELATES TO**

**Line 8**

After "198B.738", insert "335B.020, 335B.030".

**Page 1**

**STATUTORY AUTHORITY**

**Line 9**

After "198B.706", insert "(1), (15)".

After "198B.722", insert "(7)".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 18**

After "198B.722", insert "(2) and".

**Line 19**

After "and", delete "authorizes the board".

**Page 2**

**Section 1(1)(c)**

**Line 6**

After "(c)", insert "1".

After "A certificate of", delete "board-approved prelicensing".

After "course completion", insert the following:

from a prelicensing course provider approved by the board in accordance with 815

KAR 6:040;

After "and", insert "2".

Capitalize the "the".

**Line 7**

After "passing", delete "national".

**Lines 7-8**

After "test score from", insert the following:

a test provider approved by the board in accordance with 815 KAR 6:040

Delete the remainder of this paragraph except for the final semicolon.

**Page 2**

**Section 1(1)(f)**

**Line 12**

After "Two", insert "(2)".

**Page 2**

**Section 1(1)(f)2.**

**Line 17**

After "2. A nationwide criminal background investigation check", insert the following:

in accordance with subsection (2) of this section; and

(g) A nonrefundable fee of \$250.

(2)(a) The nationwide criminal background investigation check shall be

**Lines 17-18**

After "performed by the Federal Bureau of Investigation.", insert "(b)".

**Page 3**

**Section 1(1)(f)2.**

**Line 1**

After "form KBHI", insert a hyphen.

Delete the space before "6".

**Lines 2-3**

After "of its completion.", insert "(c)".

**Line 5**

After "optional affidavit", insert a period.

Delete "; and".

**Page 3**

**Section 1(1)(g)**

**Line 6**

Delete paragraph (g) in its entirety.

**Page 3**

**Section 2(4)**

**Line 21**

After "required by", insert "Section 1(1)(c) of".

**Page 4**

**Section 2(6), (7)**

**Lines 10, 18**

Renumber subsections "(6)" and "(7)" as subsections "(5)" and "(6)".

**Page 7**

**Section 5(1)(c)2.**

**Line 5**

After "A certification of", insert "liability".

**Page 7**

**Section 5(2)(b)1.**

**Line 16**

After "home inspections", insert a semicolon.

Delete the comma.

**Page 7**

**Section 5(2)(b)2.**

**Line 17**

After "fee of \$200", insert the following:

per year for each year of licensure

**Page 7**

**Section 5(2)(c)1.**

**Line 20**

After "home inspections", insert a semicolon.

Delete the comma.

**Page 7**

**Section 5(2)(c)2.**

**Line 21**

After "fee of \$200", insert the following:

per year for each year of licensure

**Page 8**

**Section 5(2)(d)**

**Lines 13-14**

After "Reinstatement or Reactivation", insert ", form KBHI-2,".

**Lines 18-19**

After "Reinstatement or Reactivation", insert ", form KBHI-2,".

**Page 11**

**Section 7**

**Line 6**

After "Section 7.", delete the second "Section 7."

**Page 11**

**Section 7(1)(b)**

**Line 11**

After "A certification of", insert "liability".

**Page 12**

**Section 7(2)(b)**

**Line 9**

After the deleted text, delete the extra period.

**Pages 12-13**

**Section 8(2)-(4)**

**Lines 18-23; 1-5**

After "(2) The board shall", insert the following:

follow the procedures established in KRS Chapter 335B in denying a license or refusing to renew or reactivate a license.

Delete the remainder of subsection (2) and the entirety of subsections (3) and (4).

**Page 13**

**Section 8(5)**

**Line 6**

Before "(5)", insert "(3)".

Delete "(5)".

After "The request", insert "for an administrative hearing".

**Page 13**

**Section 8(6)**

**Line 8**

Before "(6)", insert "(4)".

Delete "(6)".

**Page 15**

**Section 9(1)(a)**

**Line 18**

After "Form KBHI-1,", insert "1/2019".

Delete "9/2018".

Page 15

Section 9(1)(c)

Line 20

After "Form KBHI-6," insert "1/2019".

Delete "12/2018".

**Changes to Material Incorporated by Reference:**

**Application for Licensure, KBHI-1**

- Under "Criminal History" Question 1, replace the phrase "misdemeanor of felony" with "misdemeanor or felony".
- Replace "9/2018" edition date with "11/2018".

**Optional Affidavit for Licensure, KBHI-6**

- In the first full paragraph of oath, replace the phrase "information in *his* affidavit" with "information in *this* affidavit".
- Replace "12/2018" edition date with "1/2019".





## KENTUCKY BOARD OF HOME INSPECTORS

656 Chamberlin Avenue, Suite B

Frankfort, Kentucky 40601

(502) 564-7760

<http://bhi.ky.gov>

KBHI-6

### KENTUCKY BOARD OF HOME INSPECTORS OPTIONAL AFFIDAVIT FOR LICENSURE

#### AFFIDAVIT

Read this affidavit very carefully before signing. False swearing is a criminal offense and will be prosecuted to the fullest extent of the law. Any criminal cases that have been officially expunged do not have to be disclosed. If a criminal case that has been expunged appears on your FBI background check, submit proof of the expungement to the Board with the background check.

Do not use this affidavit if you have any felony conviction, a misdemeanor conviction within the past five years, or any pending charge.

Comes the Affiant, \_\_\_\_\_, and after having been duly sworn, hereby states under oath as follows:

I hereby swear or affirm that I have not been convicted of a felony crime during my lifetime. I further swear or affirm that I have not been convicted of any misdemeanor crime, including, but not limited to, DUI, theft and/or sexual misconduct, during the previous five years and that there are no other pending charges against me at this time. I understand that this statement is made under oath. I understand that if the information in this affidavit concerning my criminal record is later shown to be false, my license shall be immediately suspended.

I hereby swear or affirm that I submitted my criminal background report request to the FBI on \_\_\_\_\_. Having been thirty (30) days, on \_\_\_\_\_ (today's date), I am submitting this Affidavit in lieu of a completed FBI criminal background report. I hereby swear or affirm that I will submit my FBI criminal background report within fourteen (14) days of receipt. I understand that failure to submit my report within this fourteen (14) day period shall result in disciplinary action being taken against my license. If I have not received the criminal background report within 180 days of the issuance of the license, I will immediately notify the Board in writing. I understand that failure to notify the Board within 180 days shall result in disciplinary action against my license.

Further, Affiant sayeth naught.

Affiant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Notary Seal

Notary Public State of \_\_\_\_\_

County of \_\_\_\_\_

My Commission Expires \_\_\_\_\_

Notary Signature \_\_\_\_\_



## KENTUCKY BOARD OF HOME INSPECTORS

656 Chamberlin Avenue, Suite B

Frankfort, Kentucky 40601

(502) 564-7760

<http://bhi.ky.gov>

KBHI-1

### APPLICATION FOR LICENSURE

#### INSTRUCTIONS

- Check the appropriate box below:
  - ☐ **Initial Application**
  - ☐ **Non-Resident Application:** If this box is checked, you must also complete and submit Form KBHI-8.
- All supporting material shall be submitted with a \$250 application fee. Fees are nonrefundable and must be paid by check or money order, made payable to the **Kentucky State Treasurer**.
- Include a passport quality, color photo of yourself. Do *not* staple or adhere it to the application.
- Include a Certificate of Insurance which: (i) documents liability coverage of a least Two Hundred Fifty Thousand Dollars (\$250,000); and (ii) lists the certificate holder as the Kentucky Board of Home Inspectors.
- Include the following:
  - A State Police background check from your state of residence that is less than 90 days old; AND
  - A National Criminal Investigation Check (available at <https://www.edo.cjis.gov>).
- This completed application may be submitted to the Kentucky Board of Home Inspectors by mail or delivery to 656 Chamberlin Avenue, Suite B, Frankfort, Kentucky 40601.

#### APPLICANT INFORMATION

Last Name	First Name	Middle Initial	Date of Birth (mm/dd/yyyy)
Current Address			
City	County	State	Zip Code
Business Name			
Business Address (street, city, zip code)			
Cell Telephone No.		Work Telephone No.	
Personal Email		Business Email	

#### CRIMINAL HISTORY

- Have you ever been convicted of, pleaded guilty under an Alford plea or *nolo contendere* to any misdemeanor or felony?  
☐ Yes ☐ No
- Are you currently, or have you ever been, listed on a national or state registry of sex offenders?  
☐ Yes ☐ No

NOTE: If you answered "Yes" to either question, explain fully in a signed statement on a separate sheet of paper. Include all related details such as the violation, date, and disposition. Letters from attorneys are not accepted in lieu of your statement. Falsification of this information in any way is grounds for denial of your application.



## KENTUCKY BOARD OF HOME INSPECTORS

656 Chamberlin Avenue, Suite B

Frankfort, Kentucky 40601

(502) 564-7760

<http://bhi.ky.gov>

KBHI-1

### EDUCATION INFORMATION

Have you graduated from high school or obtained a GED? ☐ Yes ☐ No

Name of School

City and State

Diploma / GED Date

### PRE-LICENSING COURSE INFORMATION

Have you completed a Board approved pre-licensing course? ☐ Yes ☐ No

Name of Provider(s)

Provider Number(s)

Date Completed

Test Score

City and State

Number of Classroom Hours

Number of In-Field Training Hours Completed

### OTHER STATE LICENSURE / CERTIFICATION / REGISTRATION / PERMIT

Do you hold, or have you ever held, a license, certificate, registration, or permit to practice or perform ANY regulated profession by a state or local licensing board or commission in Kentucky or any other state? (Check the appropriate box below.)

☐ Yes ☐ No (If "Yes", list all state or local licenses below, including those issued in Kentucky.)

Type of License, Certificate, Registration or Permit	State/local	License Number	Date Issued	Status
1.				
2.				
3.				
4.				
5.				

Check the appropriate box below. If you answer "Yes", provide complete details on a separate piece of paper.

Has disciplinary action ever been taken against you regarding any license, registration, certificate, or permit that you hold or have ever held? ☐ Yes ☐ No

### STANDARDS OF PRACTICE

I will use the most current edition of the standard of practice selected below to perform home inspections.

☐ American Society of Home Inspectors (ASHI)

☐ Inter-National Association of Certified Home Inspectors (InterNACHI)

### APPLICANT AFFIRMATION

I hereby swear or affirm, under the penalty of perjury, that the statements made in this application are true, complete and correct. I further authorize the Kentucky Board of Home Inspectors to investigate and confirm the information submitted in this application and all attachments.

Signature of Applicant

Date



Matthew G. Bevin  
Governor

K. Gail Russell, Acting Secretary  
Public Protection Cabinet

H.E. Corder II, Executive Director  
Kentucky Real Estate Authority

**Kentucky Real Estate Authority**  
656 Chamberlin Avenue, Suite B  
Frankfort, Kentucky 40601  
Telephone: (502) 564-7760  
Fax: (502) 564-3969

Authority Boards  
Kentucky Real Estate Commission  
Kentucky Real Estate Appraisers Board  
Kentucky Board of Auctioneers  
Kentucky Board of Home Inspectors

Heather L. Becker, General Counsel  
Kentucky Real Estate Authority

February 8, 2019

Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Emily Caudill  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601



Re: 815 KAR 6:030. Standards of conduct, complaints, and discipline.

Dear Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 815 KAR 6: 030, the Kentucky Real Estate Authority and Kentucky Board of Home Inspectors propose the attached amendment to 815 KAR 6: 030.

Sincerely,

Heather L. Becker, General Counsel  
Kentucky Real Estate Authority  
Kentucky Board of Home Inspectors  
656 Chamberlin Avenue, Suite B  
Frankfort, Kentucky 40601

Revised: 1/7/2019

## SUGGESTED SUBSTITUTE

### PUBLIC PROTECTION CABINET Kentucky Real Estate Authority Kentucky Board of Home Inspectors

**815 KAR 6:030. Standards of conduct, complaints, and discipline**~~[Home inspector standards of conduct]~~.

RELATES TO: KRS 198B.706, 198B.712, 198B.722, 198B.728, 198B.730, **411.270-411.282**

STATUTORY AUTHORITY: KRS 198B.706~~[(13), (15)]~~

NECESSITY, FUNCTION AND CONFORMITY: KRS 198B.706(15) requires the Kentucky Board of Home Inspectors, with the approval of the executive director of the Kentucky Real Estate Authority, to promulgate administrative regulations to carry out the effective administration and requirements~~[necessary to enforce the provisions]~~ of KRS 198B.700 to 198B.738. KRS 198B.706(13) authorizes the board to establish standards of practice for home inspectors. KRS 198B.706(1) requires the board to determine the requirements for and prescribe the form of documents required by KRS 198B.700 to 198B.738. KRS 198B.706(4) requires the board to investigate, and take action if appropriate, complaints concerning licensees, or persons the board has reason to believe should be licensees, including complaints concerning failure to comply with KRS Chapter 198B or 815 KAR Chapter 6. KRS 198B.728 requires the board to take disciplinary actions against or impose sanctions on a licensee for failing to comply with any provision of KRS 198B.700 to 198B.738 or administrative regulations promulgated thereunder. KRS 198B.730(1) requires the board to schedule and conduct an administrative hearing in accordance with the provisions of KRS Chapter 13B.~~[This administrative regulation establishes standards of conduct for home inspectors, the guidelines for advertising by home inspectors, and the process for filing and investigating complaints.]~~ KRS 411.272(2) requires KRS 411.270 to 411.282 to prevail over any conflicting law otherwise applicable to any action, claim or cause of action against a home inspector, with specified exceptions. **This administrative regulation establishes standards of conduct for home inspectors, standards for advertising by home inspectors, and the process for filing and investigating complaints.** This administrative regulation also establishes supplemental administrative hearing procedures for matters before the board and the required forms for a complaint or answer.

Section 1. Standards of Conduct. A licensed home inspector or an entity under which the inspector conducts business shall:

- (1) Act as an unbiased third party to the real estate transaction;
- (2) Discharge the duties of a home inspector with integrity and fidelity to the client;
- (3) Only express an opinion on any aspect of the inspected property~~[only]~~ if that opinion is based upon the experience, training, education, and professional~~[personal]~~ opinion of the inspector;

(4) Provide a written disclosure to the client of any interest the inspector maintains in the transaction and advise the client to obtain competitive bids before products or additional services are offered by the licensee including:

(a) Products or additional services to be purchased from or provided by the inspector, his or her agents, or employees;

(b) Products or additional services to be purchased from or provided by any entity, organization, or venture in which the inspector has an interest; or

(c) Products or additional services to be purchased that will result in any additional compensation or benefit to the inspector, financial or otherwise; ~~and~~

(5) Provide the license number, following the licensee's signature, on any document signed by the home inspector pertaining to the home inspection; ~~and~~[-]

(6) Report a conviction, plea of guilty, or an "Alford" plea to any felony or a misdemeanor involving sexual misconduct, theft, attempted sexual misconduct, or attempted theft to the board within thirty (30) days.

Section 2. Prohibited Conduct~~[Additional Standards]~~. In addition to the affirmative duties imposed by Section 1 of this administrative regulation, a licensed home inspector or an entity under which the licensee conducts business shall not:

(1) Engage in or knowingly cooperate in the commission of fraud or material deception to obtain a license to engage in the practice of home inspection, including cheating on the licensing examination;

(2) Perform repairs or modifications for compensation, or for other direct or indirect financial benefit, to a residential dwelling within twelve (12) months after performing a home inspection on the same residential dwelling, if the repairs or modifications are based upon the findings in the home inspection report. This subsection shall not apply if the home inspector purchases the residence after performing the inspection;

(3) Perform~~[Provide]~~ a home inspection to the client that does not conform to the Standards of Practice selected on the initial or renewal application for licensure~~[or the application for renewal]~~ submitted pursuant to 815 KAR 6:010;

(4) Provide services that constitute the unauthorized practice of any profession that requires a special license if the home inspector does not hold that license;

(5) Provide any compensation, inducement, or reward, either directly or indirectly, to any person or entity other than the client for the referral of business to the inspector. The purchase or use of advertising, marketing services, or products shall not be considered compensation, inducement, or reward;

(6) Conduct a home inspection or prepare a home inspection report for which the inspector's fee is contingent upon the conclusions contained in the report;

(7) Misrepresent the financial interests, either personally or through his or her employment, of any of the parties to the transfer or sale of a residential dwelling upon which the licensee has performed a home inspection;

(8) Disclose any information concerning the results or content of the home inspection report without the prior, written approval of the client for whom the home inspection was performed. The home inspector may disclose information if:

(a) There is an imminent danger to life, health, or safety; or

(b) The home inspector is compelled to disclose information by court order or a lawfully issued subpoena;

(9) Accept compensation, financial or otherwise, from more than one (1) interested party for the same home inspection on the same property without the written consent of all interested parties;

(10) Make a false or misleading representation regarding the:

(a) Condition of a residential dwelling for which the licensee has performed or contracted to perform a home inspection;

(b) Extent of[the] services the licensee has performed or will perform; or

(c) Type of license held by the licensee;

(11) Be convicted of a crime in the course of the practice of home inspection or commit any act constituting a violation of state law during the course of a home inspection;

~~(12) Make a false or misleading representation in:~~

~~(a) A license or renewal application form; or~~

~~(b) Information provided to the board;~~

(13) Fail to pay any fees required by 815 KAR 6:010;

~~(14) Fail to continuously maintain the *liability* insurance[or other evidence of financial responsibility] required by KRS 198B.712(3)(d) and 815 KAR 6:010[Chapter 198B or 815 KAR Chapter 6];~~

~~(13) [(15)] Engage in any course of lewd or immoral conduct in connection with the delivery of services to clients;~~

~~(14) [(16)] Fail to complete the continuing education requirements established by the board in 815 KAR 6:010;~~

~~(17)] Use the term "certified" in advertising, unless the certification is current and the full name of the certifying body is clearly identified;~~

~~(15) [(18)] Use the term "fully insured," unless the person or entity has business liability and worker's compensation insurance coverage in effect at the time of the advertisement;~~

~~(16) [(19)] Continue to practice, if the licensed home inspector has become unfit to practice due to:~~

~~(a) Professional incompetence;~~

~~(b) Failure to keep abreast of current professional theory or practice;~~

~~(c) Physical or mental disability; or~~

~~(d) Addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a licensed home inspector's ability to practice safely;[or~~

~~(e) Failure to maintain a valid home inspector's license];~~

~~(17) [(19)] [(20)] Omit information in a home inspection report required to be disclosed to a client by the Standards of Practice selected on the initial application for licensure or the application for renewal submitted pursuant to 815 KAR 6:010; or~~

~~(18) [(20)] [(24)] Fail to comply with an order of the board.~~

Section 3. Content of Report. (1) A home inspection report shall state the Standards of Practice being followed by the licensee.

(2) A home inspection report shall include a statement that the report does not address environmental hazards and shall list all other exclusions with specificity. The presence or evidence of the following environmental hazards shall not be addressed in the report:

(a) [(1)] Air-borne hazards;

(b) [(2)] The air quality or the sickness of any building, including[, but not limited to,] the presence or [ef] absence of all manner of biological activity, such as hazardous plants,

insects, birds, pets, mammals, and other flora and fauna, and their consequent physical damage, toxicity, noxiousness, odors, waste products, and wood destroying animals and fungi;

- (c)[(3)] Animals, insects, or rodents;
- (d)[(4)] Asbestos;
- (e)[(5)] Carcinogens, including[~~but not limited to~~] radon;
- (f)[(6)] Contaminants in soil, water, and air;
- (g)[(7)] Electro-magnetic fields;
- (h)[(8)] Hazardous materials including[~~, but not limited to,~~] the presence of lead in paint;
- (i)[(9)] Hazardous waste conditions;
- (j)[(10)] Mold, mildew, or fungus;
- (k)[(11)] Hazardous plants or animals including[~~, but not limited to~~] wood destroying organisms, wood destroying insects, or diseases harmful to humans including molds or mold-like substances;
- (l)[(12)] Noise;
- (m)[(13)] Potability of any water;
- (n)[(14)] Toxins;
- (o)[(15)] Urea formaldehyde;
- (p)[(16)] The effectiveness of any system installed or method utilized to control or remove suspected environmental hazards; and
- (q)[(17)] Compliance with regulatory requirements (for example, codes, regulations, laws, and ordinances[~~, etc.~~]), any manufacturer's recalls, conformance with manufacturer installation or instructions, or any information for consumer protection purposes.

Section 4. Maintenance of Records. (1) A licensed home inspector shall retain for at least three (3) years from the date of the inspection:

- (a) The written reports; and
- (b) The contract.
- (2) Records may be retained in retrievable, electronic format.
- (3) A licensee shall provide all records requested by the board within ten (10) days of receipt of the request.

Section 5. Advertising Standards. (1) Every person licensed as a home inspector or claiming to be a home inspector shall identify and display his or her license number in all advertising disseminated, either directly or indirectly, to the general public, unless the advertisement is a promotional item.

(2) Any vehicle used in advertising a home inspector business shall bear the license number of the home inspector in a conspicuous location. The letters and numbers shall be at least two (2) inches in height and shall be visible and legible while the vehicle is being operated.

(3) If the home inspector is operating under the name of a business entity, the requirements of this administrative regulation shall be satisfied by displaying the license number of the owner or an employee of the business who is a licensed home inspector.

Section 6. Complaints. (1) A complaint may be initiated by the board, an individual, an entity, or a governmental agency. The complaint shall be submitted



on a Complaint Form, KBHI-7.

(2) If the complaint is initiated by the public, it shall be notarized by a notary public.

(3) If the complaint screening committee recommends that a response is needed from the licensee pursuant to Section 7 of this administrative regulation, a copy of the initiating complaint shall be mailed to the licensee. The licensee shall file a written response to the initiating complaint with the board within twenty-one (21) days. The written response shall:

(a) Identify the respondent;

(b) State his or her response to the complaint;

(c) Include any documentation in dispute of the complaint;

(d) If applicable, state if he or she proposes to inspect the residence that is the subject of the claim and state the date by which the inspection will be complete. Any proposal shall include the statement that the home inspector shall, based on the inspection:

1. Offer to remedy the defect, compromise by payment, or dispute the claim;

2. Offer to compromise and settle the claim by monetary payment without inspection; or

3. State that the home inspector disputes the claim; and

(e) Be notarized by a notary public.

(4) A complaint shall be filed within one (1) year of the date the complainant knew or should have known of a violation by the licensee.

(5) The complainant may withdraw a complaint, which shall render the complaint null, void, and without effect, if:

(a) An answer has not been filed in accordance with this section;

(b) The withdrawal is made within twenty (20) days of the date the complaint was filed; or

(c) The withdrawal would not result in harm to the public.

(6) A withdrawn complaint shall not be refiled or reheard.

(7) A request for the board to take or refrain from taking an action shall be made by an oral or written motion and shall state the basis for the relief sought.

(8) After review by the complaint screening committee pursuant to Section 7 of this administrative regulation, the board shall investigate any complaint that alleges a violation of KRS 198B.700 to 198B.738 and 815 KAR Chapter 6.

(9) The board may appoint any of its members or any agent or representative of the board to conduct an investigation of the complaint.

(10) Upon the completion of the investigation, the investigator shall submit a written report to the board containing a succinct statement of the facts disclosed by the investigation.

(11) Based on consideration of the complaint and the investigative report, if any, the board shall determine if there has been a prima facie violation of KRS 198B.700 to 198B.738 or 815 KAR Chapter 6.

(12) If the investigator is a member of the board, he or she shall not vote.

(13) If the board finds that the facts alleged in the initiating complaint or investigative report:

(a) Do not constitute a prima facie violation of KRS 198B.700 to 198B.738 or 815

KAR Chapter 6, the board shall dismiss the complaint and notify the person making the complaint and the licensee that no further action will be taken at the present time; or

(b) Do constitute a prima facie violation of KRS 198B.700 to 198B.738 or 815 KAR Chapter 6, the board shall follow the procedures established in Section 9 of this administrative.

Section 7. Complaint Screening Committee. (1) The board chair shall create a complaint screening committee consisting of at least one (1) board member who is also a licensed home inspector.

(2) The complaint screening committee shall:

(a) Review new complaints and responses;

(b) Order investigation or further investigation;

(c) Review investigative reports; and

(d) Make recommendations for disposition of complaints to the full board, including:

1. Dismissal of the complaint;

2. A response to the complaint is needed; or

3. An investigation of the complaint is warranted.

(3) The committee may be assisted by the board staff and counsel.

(4) The committee shall report the committee's findings and recommendations to the board[, and the board shall:

(a) Dismiss the complaint and notify the person making the complaint and the licensee that no further action shall be taken at the present time;

(b) Find an investigation is warranted; or

(c) Find a violation of a provision of KRS 198B.700 to 198B.738 or 815 KAR Chapter 6 and issue notice of disciplinary action to the licensee].

Section 8[7]. Settlement by Informal Proceedings. (1) The board, through counsel and the complaint screening committee, may, at any time during the complaint process established in this administrative regulation, enter into informal proceedings with the licensee who is the subject of the complaint for the purpose of appropriately dispensing with the matter.

(2) An agreed order or settlement reached through this process shall be approved or denied by the board and signed by the individual who is the subject of the complaint.

(3) The board may employ mediation as a method of resolving the matter informally.

[Section 8. Complaints. (1) A complaint may be initiated by the board, an individual, an entity, or any governmental agency. The complaint shall be submitted on a Complaint Form, KBHI-7.

(2) If the complaint is initiated by the public, it shall be notarized by a notary public.

(3) Upon a recommendation by the complaint screening committee, a copy of the initiating complaint shall be mailed to the licensee. The licensee shall file a written response to the initiating complaint with the board within twenty-one (21) days. The written response shall:

- (a) Identify the respondent;
- (b) State his or her response to the complaint;
- (c) Include any documentation in dispute of the complaint;
- (d) If applicable, state if he or she proposes to inspect the residence that is the subject of the claim and state the date by which the inspection will be complete. Any proposal shall include the statement that the home inspector shall, based on the inspection, offer to remedy the defect, compromise by payment, or dispute the claim; offer to compromise and settle the claim by monetary payment without inspection; or state that the home inspector disputes the claim; and
- (e) Be notarized by a notary public.
- (3) A complaint shall be filed within one (1) year of the date the complainant knew or should have known of a violation by the licensee.
- (4) The complainant may withdraw a complaint, which shall render the complaint null, void, and without effect, if:
  - (a) An answer has not been filed in accordance with this section;
  - (b) The withdrawal is made within twenty (20) days of the date the complaint was filed; or
  - (c) The withdrawal would not result in harm to the public.
- (5) A withdrawn complaint shall not be refiled or reheard.
- (6) A request for the board to take or refrain from taking an action shall be made by an oral or written motion and shall state the basis for the relief sought.]

Section 9. Disciplinary Action. (1)(a)[The board shall investigate any complaint that alleges a violation of KRS 198B.700 to 198B.738 and 815 KAR Chapter 6.

(2) The board may appoint any of its members or any agent or representative of the board to conduct an investigation of the complaint.

(3) Upon the completion of the investigation, the investigator shall submit a written report to the board containing a succinct statement of the facts disclosed by the investigation.

(4) Based on consideration of the complaint and the investigative report, if any, the board shall determine if there has been a prima facie violation of a provision of KRS 198B.700 to 198B.738 or 815 KAR Chapter 6.

(5) If the investigator is a member of the board, he or she shall not vote.

(6) If it is found that the facts alleged in the initiating complaint or investigative report do not constitute a prima facie violation of KRS 198B.700 to 198B.738 or 815 KAR Chapter 6, the board shall notify the person making the complaint and the licensee that no further action shall be taken at the present time.

(7) If the board finds[it is found] that there is a prima facie violation of a provision of KRS 198B.700 to 198B.738 or 815 KAR Chapter 6 in accordance with Section 6 of this administrative regulation, the board shall issue:

1. Written notice of disciplinary action to the licensee; or
2. Initiate any remedy permitted by KRS 198B.700 to 198B.738 against an unlicensed individual.

(b) If a licensee, the board may propose any combination of discipline permitted by KRS 198B.700 to 198B.738.

(2)[(8)] The written notice of disciplinary action shall be sent to the licensee's address

on file with the board and inform the licensee:

(a) Of the specific reason for the board's action, including:

1. The statutory or regulatory violation; and
2. The factual basis on which the disciplinary action is based;

(b) Of the proposed penalty; and

(c) That the licensee may request an administrative hearing of the penalty to the board within twenty (20) calendar days of the date of the board's notice.

~~(3)~~~~(9)~~ A written request for an administrative hearing shall be postmarked no later than twenty (20) calendar days of the date of the board's notice. The request shall identify the specific issues in dispute and the legal basis on which the board's decision on each issue is believed to be erroneous.

~~(4)~~~~(10)~~ If the request for an administrative hearing is not timely filed, the notice of disciplinary action shall be effective upon the expiration of the time for the licensee to request an administrative hearing.

Section 10. Revocation of Probation. (1) If the board moves to revoke probation previously granted, the board shall issue written notice of the revocation and inform the probationee:

(a) Of the factual basis on which the revocation is based;

(b) Of each probation term violated; and

(c) That the probationee may request an administrative hearing of the revocation to the board within twenty (20) calendar days of the date of notification of revocation. The notification shall be sent to the last known address on file with the board for the **probationee/certificate holder**.

(2) A written request for an administrative hearing shall be postmarked no later than twenty (20) calendar days of the date of the board's notice. The request shall identify the specific issues in dispute and the legal basis on which the board's decision on each issue is believed to be erroneous.

(3) If the request for an administrative hearing is not timely filed, the notice of revocation shall be effective upon the expiration of the time for the **probationee/certificate holder** to request an administrative hearing.

Section 11. Incorporation by Reference. (1) "Complaint Form", Form KBHI-7, 9/2018, is incorporated by reference.

MITCHELL BUCHANAN, Chair

H.E. CORDER II, Executive Director

K. GAIL RUSSELL, Acting Secretary

APPROVED BY AGENCY: September 12, 2018

FILED WITH LRC: September 13, 2018 at 11 a.m.

CONTACT PERSON: Heather L. Becker, General Counsel, Kentucky Real Estate Authority, 656 Chamberlin Ave., Suite B, Frankfort, Kentucky 40601, phone (502) 564-7760, fax (502) 564-1538, email Heather.Becker@ky.gov.



Matthew G. Bevin  
Governor

K. Gail Russell, Acting Secretary  
Public Protection Cabinet

H.E. Corder II, Executive Director  
Kentucky Real Estate Authority

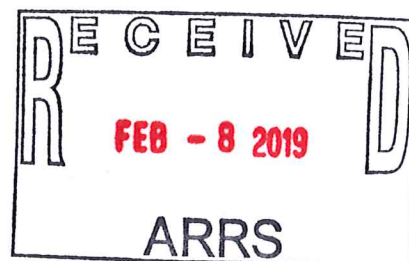
**Kentucky Real Estate Authority**  
656 Chamberlin Avenue, Suite B  
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Telephone: (502) 564-7760  
Fax: (502) 564-3969

Authority Boards  
Kentucky Real Estate Commission  
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Kentucky Board of Home Inspectors

Heather L. Becker, General Counsel  
Kentucky Real Estate Authority

February 8, 2019

Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Emily Caudill  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601



Re: 815 KAR 6:040. Education requirements and providers.

Dear Co-Chair Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 815 KAR 6: 040, the Kentucky Real Estate Authority and Kentucky Board of Home Inspectors propose the attached amendment to 815 KAR 6:040.

Sincerely,

Heather L. Becker, General Counsel  
Kentucky Real Estate Authority  
Kentucky Board of Home Inspectors  
656 Chamberlin Avenue, Suite B  
Frankfort, Kentucky 40601

Revised: 2/7/2019

**SUGGESTED AMENDMENT**

**PUBLIC PROTECTION CABINET  
Kentucky Real Estate Authority  
Kentucky Board of Home Inspectors**

**815 KAR 6:040. Education requirements and providers.**

**Page 1**

**TITLE**

**Line 5**

After "Education", insert "and testing".

**Page 1**

**STATUTORY AUTHORITY**

**Line 7**

After "198B.712", insert "(3)(c)".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 14**

After "KRS 198B.712", and before "(c)", insert "(3)".

Delete "(2)".

**Page 1**

**Section 1**

**Line 19**

After "Section 1.", insert the following:

Test Provider and Examination Approval. (1) To become an approved test provider, an applicant shall submit a written proposal to the board regarding the proposed examination.

(2) The proposal shall indicate that the examination:

(a) Consists of at least 200 questions;

(b) Draws questions from a question bank consisting of:

1. At least 800 unique questions, if no state-specific questions are asked; or

2. At least 650 general knowledge questions and at least 150 state-specific questions, if state-specific questions are asked;

(c) Contains questions reasonably calculated to evaluate the competency and aptitude of the prospective licensee to be a home inspector;

(d)1. Includes questions that cover, at a minimum, building sciences and report writing; and  
2. The exam may include questions that cover one (1) or both of the standards of practice authorized in KRS 198B.706(13);  
(e) Indicates how a passing score is to be calculated;  
(f) Includes details indicating how the examination will be proctored; and  
(g) Is third-party accredited by the Buros Center for Testing, or another independent, nationally recognized examination or credential accreditation entity acceptable to the Board, as being an examination developed and administered in accordance with generally accepted standards for psychometric validity, consistent with the 2014 Standards for Educational and Psychological Testing.  
(3) The proposed examination may contain state-specific questions totaling no more than ten (10) percent of the total questions on the examination.  
Section 2.

Renumber remaining sections accordingly.

**Page 2**

**Section 1(1)(c)1.**

**Line 3**

After "1. The", insert "applicant's license".

Delete "Certificate of Approval".

After "Kentucky", delete "State".

After "Commission", insert "on".

Delete "for".

**Page 2**

**Section 1(4)**

**Line 20**

After "for initial approval", insert the following:

no later than forty-five (45) days prior to the date of expiration

**Page 4**

**Section 3(1)(c)-(g)**

**Lines 7-11**

Renumber paragraphs "(c)" through "(g)" as paragraphs "(b)" through "(f)".

**Page 4**

**Section 3(3)(a)**

**Line 19**

After "of licensees", insert a semicolon.

Delete the comma.

**Page 4**

**Section 3(3)(b)**

**Line 20**

After "licensee performance", insert a semicolon.

Delete the comma.

**Page 5**

**Section 3(4)(a)**

**Line 1**

After "regulation", insert a semicolon.

Delete ", and".

**Page 5**

**Section 3(4)(b)**

**Line 4**

After "(b)", insert the following:

May satisfy the continuing education requirements established in Section 10(3)(c)  
of this administrative regulation; and  
(c)

**Page 8**

**Section 9(2)(a)**

**Lines 13-14**

After "false", insert "statement".

Delete "statements".

**Page 9**

**Section 9(3)**

**Line 1**

After "written notice of disciplinary action", insert "by certified mail".

**Page 9**

**Section 9(3)(c)**

**Line 9**

After "postmarked", insert "or delivered".

**Page 11**

**Section 10(7)**

**Line 3**

After "each license", insert "year".





**Matthew G. Bevin**  
Governor

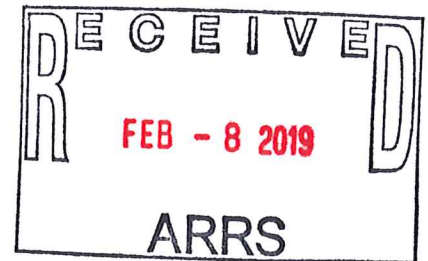
**Cabinet for Health and Family Services**  
**OFFICE OF LEGISLATIVE AND REGULATORY AFFAIRS**  
275 EAST MAIN, 5 W-A  
FRANKFORT, KENTUCKY 40621-0001  
(502) 564-7042  
(502) 564-7091 FAX

**Adam M. Meier**  
Secretary

**James C. Musser**  
Executive Director

February 8, 2019

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Representative David Hale, Co-Chair  
c/o Emily Caudill  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601



Re: Suggested Amendment for 900 KAR 9:010

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 900 KAR 9:010, the Cabinet for Health and Family Services, Office of Health Data and Analytics requests the attached amendments be made.

Sincerely,

A handwritten signature in cursive script that reads "Donna Little".

Donna Little  
Deputy Executive Director  
Office of Legislative and Regulatory Affairs

Enclosure



**Suggested Amendment**  
**CABINET FOR HEALTH AND FAMILY SERVICES**  
**Kentucky Office of Health Data and Analytics**  
**Division of Health Information**

**900 KAR 9:010. Kentucky Health Information Exchange participation.**

**Page 1**

**STATUTORY AUTHORITY**

**Line 8**

After "KRS", insert "194A.030".

After "194A.050(1),", insert "205.520".

**Page 4**

**Section 8(2)**

**Line 13**

After "Go-Live", lowercase the first letter of "Approval".



**Matthew G. Bevin**  
Governor

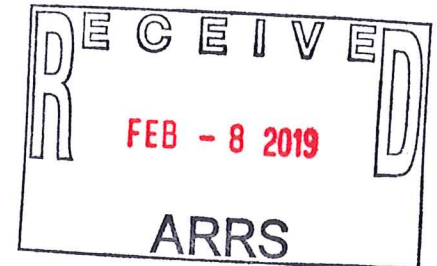
**Cabinet for Health and Family Services**  
**OFFICE OF LEGISLATIVE AND REGULATORY AFFAIRS**  
275 EAST MAIN, 5 W-A  
FRANKFORT, KENTUCKY 40621-0001  
(502) 564-7042  
(502) 564-7091 FAX

**Adam M. Meier**  
Secretary

**James C. Musser**  
Executive Director

February 8, 2018

Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Emily Caudill  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601



Re: Suggested Amendment for 907 KAR 1:270

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 907 KAR 1:270, the Cabinet for Health and Family Services, Department for Medicaid Services proposes the attached amendment to 907 KAR 1:270.

If you have any questions, please feel free to contact Jonathan Scott, Regulatory and Legislative Advisor with the Department for Medicaid Services at (502) 564-4321 ext. 2015.

Sincerely,

Donna Little  
Deputy Executive Director  
Office of Legislative and Regulatory Affairs

Enclosure



2/5/19

## SUGGESTED SUBSTITUTE

### CABINET FOR HEALTH AND FAMILY SERVICES

#### Department for Medicaid Services

#### 907 KAR 1:270. Podiatry Program services.

RELATES TO: KRS 205.520, ~~205.560~~, 42 C.F.R. 440.60, 42 U.S.C. 1396a, b, d

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3)[, EO 2004-726]

NECESSITY, FUNCTION, AND CONFORMITY:~~[EO 2004-726, effective July 9, 2004, reorganized the Cabinet for Health Services and placed the Department for Medicaid Services and the Medicaid Program under the Cabinet for Health and Family Services.]~~ The Cabinet for Health and Family Services, Department for Medicaid Services, has responsibility to administer the Medicaid Program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with a requirement that may be imposed or opportunity presented by federal law to qualify for Medicaid funds~~[for the provision of medical assistance to Kentucky's indigent citizenry]~~. This administrative regulation establishes the coverage provisions relating to podiatry services for which payment shall be made by the Medicaid Program on behalf of both categorically needy and medically needy beneficiaries.

Section 1. Coverage. The Medicaid program shall cover a medical or surgical service provided to an eligible Medicaid recipient by a licensed, participating podiatrist if the service falls within the scope of the practice of podiatry except as provided in Section 2 of this administrative regulation.

Section 2. Exclusions From Coverage~~[and] [;]~~~~[Exceptions to Exclusions from Coverage]~~. *(1)* Except as provided in **Section 3 of this administrative regulation**~~[this section, the following areas of care shall not be covered by the Medicaid program:]~~

~~(1) Routine foot care.~~

~~(a) Except as provided in paragraph (b) of this subsection and subsection (2) of this section, a service characterized as]~~ routine foot care shall not be covered **by the Medicaid program**.

*(2)* Routine foot care **excluded by this section** shall include:

~~(a)[1.]~~ The cutting or removal of a corn or callus;

~~(b)[2.]~~ The trimming of a nail; or

~~(c)[3.]~~ Other hygienic or preventive maintenance care in the realm of self-care including:

~~1.[a.]~~ Cleaning or soaking a foot;

~~2.[b.]~~ The use of a skin cream to maintain skin tone of an ambulatory or bedfast patient; or

~~3.[c.]~~ A service performed in the absence of localized illness, injury, or symptom involving the foot.

**Section 3. Covered Services. (1)(a)[(b)1.]** Payment shall be made for routine foot care if:

~~1.[a.]~~ The[If the] patient has a systematic disease of sufficient severity such as arteriosclerosis, chronic thrombophlebitis, diabetes, or a peripheral neuropathy; [and]

~~2.[b.]~~[that] Unskilled performance of a procedure included in **paragraph (b) of this subsection[subparagraph 2. of this paragraph]**[the following procedures] would be hazardous; and

~~3.[c.]~~ The patient's condition results from:

~~a.[(i)]~~ Severe circulatory embarrassment; or

~~b.[(ii)]~~ An area of desensitization in a leg or foot.

**(b)[2. For the purposes of this paragraph,]** Routine foot care **covered under this subsection** shall include[, payment shall be made for routine foot care, including] the cutting or removing of a:

~~1.[a.]~~[1.] Corn;

~~2.[b.]~~[2.] Callus; or

~~3.[c.]~~[3.] Nail.

(2) A service ordinarily considered routine shall be covered if the service is performed as a necessary and integral part of an otherwise covered service, including the diagnosis or treatment of:

(a) A diabetic ulcer;

(b) A wound; or

(c) An infection.

(3) A diagnostic or treatment service for a foot infection shall be covered.[Section 3. Incorporation by Reference. (1) "Podiatry Program Manual", July 1997 edition, Department of Medicaid Services, is incorporated by reference.

(2) It may be inspected, copied, or obtained at the Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.]

CAROL H. STECKEL, Commissioner

ADAM M. MEIER, Secretary

APPROVED BY AGENCY: December 4, 2018

FILED WITH LRC: December 12, 2018 at 4 p.m.



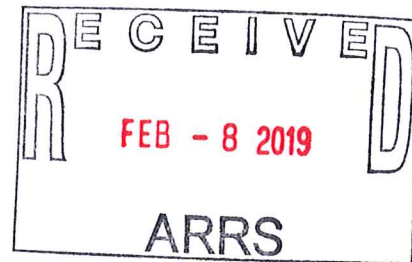
**CABINET FOR HEALTH AND FAMILY SERVICES  
OFFICE OF THE SECRETARY**

**Matthew G. Bevin**  
Governor

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**Adam M. Meier**  
Secretary

Feb. 8, 2019



Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Emily Caudill  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601

Re: Suggested amendments

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 922 KAR 1:050, the Department for Community Based Services requests the enclosed amendments be made.

Sincerely,

James C. Musser  
Executive Director  
Office of Legislative and Regulatory Affairs

Enclosure

**Suggested Amendment**  
**Cabinet for Health and Family Services**  
**Department for Community Based Services**  
**Division of Protection and Permanency**

**922 KAR 1:050. State funded adoption assistance.**

**Page 2**

**Section 1(5)**

**Line 3**

After "(5)", insert the following:

"Special needs child" is defined by KRS 199.555(1).

(6)

**Page 2**

**Section 2(1)**

**Line 5**

After "199.555(5)", insert period.

Delete the remainder of subsection (1) in its entirety.

**Page 2**

**Section 2(2)**

**Line 11**

After "needs child", insert "shall include".

Delete "is".

**Page 2**

**Section 2(2)(g)**

**Line 19**

After "older", insert semicolon.

After "(g)", insert "1.".

Delete "and:".

**Page 2**

**Section 2(2)(g)1.**

**Line 20**

Before "1.", insert "2.".

Delete "1. The child".

Capitalize "has".

**Page 2**

**Section 2(2)(g)2.**

**Line 22**

Before "2.", insert "3.".

Delete "2."

After "determined", insert "should".

Delete the following:

that it would be in the child's best interest to

**Line 23**

After "family", insert the following:

because it is in the best interest of the child

**Page 3**

**Section 2(3)(a)**

**Line 1**

After "assistance", insert the following:

in accordance with KRS 199.555

**Pages 5-6**

**Section 7(1)(a)**

**Lines 23, 1-2**

After "expenses", insert the following:

in accordance with KRS 199.555

Delete the remainder of paragraph (a) in its entirety.