



**Administrative Regulation Review Subcommittee
Meeting Agenda
Tuesday, October 12, 2021 at 1:00 p.m.
Annex Room 149**



- 1. CALL TO ORDER AND ROLL CALL**
- 2. REGULATIONS FOR COMMITTEE REVIEW**

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Education Professional Standards Board

Teaching Certificates

[016 KAR 002:180](#). One (1) year conditional certificate.

[016 KAR 002:220](#). Emeritus Certificate. (Filed with Emergency)

[016 KAR 002:230](#). Exception Certificate. (Filed with Emergency)

Administrative Certificates

[016 KAR 003:070](#). Endorsement for individual intellectual assessment.

Certification Procedures

[016 KAR 004:050](#). Dating of certifications.

Educator Preparation

[016 KAR 005:010](#). Standards for accreditation of educator preparation providers and approval of programs.

DEPARTMENT OF LAW

Office of Civil and Environmental Law

[040 KAR 001:040E](#). Standardized Open Records Request Form. (Filed with Ordinary) ("E" expires 03-25-2022) (Deferred from September)

[040 KAR 001:040](#). Standardized Open Records Request Form. (Filed with Emergency)

FINANCE AND ADMINISTRATION CABINET

Department of Revenue

Income Tax; Corporations

[103 KAR 016:320](#). Claim of right doctrine.

[103 KAR 016:352](#). Corporation income taxes policies and circulars.

Income Tax; Withholding

[103 KAR 018:020](#). Withholding return adjustment.

[103 KAR 018:090](#). Payroll records.

Sales and Use Tax; Miscellaneous Retailer Occupations

[103 KAR 027:050](#). Sourcing of retail sales by florists.

[103 KAR 027:150](#). Repairers and reconditioners of tangible personal property.

[103 KAR 027:230](#). Motor vehicle body shops.

Sales and Use Tax; General Exemptions

[103 KAR 030:091](#). Sales to farmers.

[103 KAR 030:120](#). Machinery for new and expanded industry.

[103 KAR 030:140](#). Energy and energy-producing fields.

[103 KAR 030:190](#). Interstate and foreign commerce.

[103 KAR 030:250](#). Property used in the publication of newspapers.

State-owned Buildings and Grounds

[200 KAR 003:020](#). Use of state-owned facilities and grounds.

BOARDS AND COMMISSIONS

Board of Nursing

[201 KAR 020:057](#). Scope and standards of practice of advanced practice registered nurses.

Board of Chiropractic Examiners

[201 KAR 021:035](#). Seal. (Deferred from September)

[201 KAR 021:054](#). Emergency orders. (Deferred from September)

[201 KAR 021:070](#). Licensing examination requirements. (Deferred from September)

[201 KAR 021:090](#). Pre-chiropractic education requirements. (Deferred from September)

[201 KAR 021:100](#). Minimum standards for recordkeeping or itemized statements. (Deferred from September)

Board of Physical Therapy

[201 KAR 022:045](#). Continued competency requirements and procedures.

Board of Licensure for Professional Art Therapists

[201 KAR 034:070](#). Inactive status. (Not Amended After Comments) (Deferred from September)

Board of Durable Medical Equipment

[201 KAR 047:010](#). Home medical equipment and supplier licenses, requirements, and fees.

[201 KAR 047:030](#). Compliant and disciplinary process.

KENTUCKY LOTTERY CORPORATION

[202 KAR 003:020](#). Procurement procedures.

JUSTICE AND PUBLIC SAFETY CABINET

Office of Medical Examiner

[500 KAR 012:010](#). Duplicate records request fee schedule.

Department of Corrections

[501 KAR 002:050](#). Transfer requests.

[501 KAR 002:070](#). Work release.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Department Of Workforce Investment

Unemployment Insurance

[787 KAR 001:010](#). Application for employer account; reports.

[787 KAR 001:020](#). Change of status; discontinuance of business.

[787 KAR 001:060](#). Separation for cause; reports.

[787 KAR 001:080](#). Labor dispute or strike; notification.

[787 KAR 001:090](#). Unemployed worker's reporting requirements.

[787 KAR 001:110](#). Appeals.

[787 KAR 001:140](#). Unemployment insurance fund payments.

[787 KAR 001:150](#). Interstate claimants.

[787 KAR 001:210](#). Employer contribution rates.

[787 KAR 001:220](#). Required reports and due dates.

[787 KAR 001:260](#). Voluntary election of coverage.

[787 KAR 001:290](#). Contract construction rates.

[787 KAR 001:300](#). Successorship.

[787 KAR 001:310](#). Claimant profiling.

LABOR CABINET

Department of Workplace Standards Occupational Safety and Health

[803 KAR 002:325](#). General industry standards. (Deferred from August)

Department of Workers' Claims

[803 KAR 025:190](#). Utilization review – Medical Bill Audit – Medical Director – Appeal of Utilization Review Decisions. (Amended After Comments) (Deferred from August)

PUBLIC PROTECTION CABINET

Department of Insurance

Health Insurance Contracts

[806 KAR 017:240](#). Data reporting requirements. (Deferred from September)

[806 KAR 017:270](#). Telehealth claim forms and records. (Deferred from September)

[806 KAR 017:280](#). Registration, utilization review, and internal appeal. (Deferred from September)

[806 KAR 017:470](#). Data reporting to an employer-organized association health benefit plan. (Deferred from September)

ENERGY AND ENVIRONMENT CABINET

Public Service Commission

Utilities

[807 KAR 005:015](#). Access and attachments to utility poles and facilities. (Amended After Comments)

PUBLIC PROTECTION CABINET

Kentucky Horse Racing Commission

Flat and Steeplechase Racing

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

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Public Health

Lead Abatement

[902 KAR 048:010](#). Definitions for 902 KAR Chapter 48.

[902 KAR 048:020](#). Training and certification requirements for persons who perform lead-hazard detection or abatement.

[902 KAR 048:030](#). Accreditation of training programs and providers of educational programs for individuals who perform lead-hazard detection and abatement.

[902 KAR 048:040](#). Lead-hazard abatement permit fees, permit requirements and procedures, and standards for performing lead-hazard detection and abatement.

Department for Medicaid Services

Outpatient Pharmacy Program

[907 KAR 023:020E](#). Reimbursement for outpatient drugs. (“E” expires 03-26-2022) (Filed with Ordinary) (Emergency Amended After Comments)

Department for Community Based Services

Family Support

[921 KAR 001:400](#). Establishment, review, and modification of child support and medical support orders. (Filed with Emergency)

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

[921 KAR 002:015](#). Supplemental programs for persons who are aged, blind, or have a disability. (Filed with Emergency)

Supplemental Nutrition Assistance Program

[921 KAR 003:060](#). Administrative disqualification hearings and penalties. (Amended After Comments)

Energy Assistance Program/Weatherization

[921 KAR 004:116](#). Low Income Home Energy Assistance Program or “LIHEAP”. (Filed with Emergency)

Child Welfare

[922 KAR 001:300](#). Standards for child-caring facilities. (Amended After Comments)

[922 KAR 001:380](#). Standards for emergency shelter child-caring facilities. (Not Amended After Comments)

[922 KAR 001:390](#). Standards for residential child-caring facilities. (Not Amended After Comments)

Division of Child Care

[922 KAR 002:160E](#). Child Care Assistance Program. (Filed with Ordinary) (Emergency Amended After Comments)

3. REGULATIONS ~~REMOVED~~ FROM OCTOBER’S AGENDA

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Education Professional Standards Board

Administrative Certificates

[016 KAR 006:010](#). Assessment prerequisites for teacher certification. (Comments Received, SOC due 10-15-2021)

STATE BOARD OF ELECTIONS

Statewide Voter Registration

[031 KAR 003:010](#). Current address of Kentucky registered voters and distribution of voter registration lists. (Deferred from August)

Forms and Procedures

[031 KAR 004:195E](#). Consolidation of precincts and precinct election officers. (Filed with Ordinary) (“E” expires 03-20-2022) (Not Amended After Comments) (Deferred from October)

[031 KAR 004:195](#). Consolidation of precincts and precinct election officers. (Filed with Emergency) (Comments Received; SOC due 10-15-2021)

[031 KAR 004:200E](#). Chain of custody for records during an election contest. (Filed with Ordinary) (“E” expires 03-20-2022) (Not Amended After Comments) (Deferred from October)

[031 KAR 004:200](#). Chain of custody for records during an election contest. (Filed with Emergency) (Comments Received; SOC due 10-15-2021)

Voting

[031 KAR 005:025E](#). Ballot standards and election security. (Filed with Ordinary) (“E” expires 03-20-2022) (Not Amended After Comments) (Deferred from October)

[031 KAR 005:025](#). Ballot standards and election security. (Filed with Emergency) (Comments Received; SOC due 10-15-2021)

FINANCE AND ADMINISTRATION CABINET

Department of Revenue

Ad Valorem Tax; State Assessment

[103 KAR 008:090](#). Classification of property; public service corporations. (Comments Received; SOC due 10-15-2021)

Income Tax; Corporations

[103 KAR 016:270](#). Apportionment; receipts factor. (Comments Received; SOC due 10-15-2021)

Kentucky Infrastructure Authority

[200 KAR 017:110](#). Guidelines for Kentucky Infrastructure Authority Drinking Water and Wastewater Grant Program. (Filed with Emergency) (Deferred from September)

BOARDS AND COMMISSIONS

Board of Pharmacy

~~[201 KAR 002:411E](#). Ordering and administering vaccinations. (“E” expires 05-07-2022) (Emergency Only)~~ (Withdrawn by Agency 10-12-2021)

Board of Licensure for Long-Term Care Administrators

[201 KAR 006:020](#). Other requirements for licensure. (Deferred from October)

Board of Dentistry

[201 KAR 008:520](#). Fees and fines. (Comments Received, SOC ext.; due 10-15-2021)

Board of Embalmers and Funeral Directors

[201 KAR 015:030E](#). Fees. (Filed with Ordinary) (“E” expires 03-27-2022) (Deferred from September)

[201 KAR 015:030](#). Fees. (Filed with Emergency) (Deferred from October)

[201 KAR 015:040](#). Examination. (Filed with Emergency) (Deferred from October)

[201 KAR 015:050](#). Apprenticeship and supervision requirements. (Filed with Emergency) (Deferred from October)

[201 KAR 015:110](#). Funeral establishment criteria. (Filed with Emergency) (Deferred from October)

[201 KAR 015:125](#). Surface transportation permit. (Filed with Emergency) (Deferred from October)

Board of Nursing

[201 KAR 020:215](#). Continuing competency requirements. (Comments Received, SOC ext.; due 11-15-2021)

[201 KAR 020:320](#). Standards for curriculum of prelicensure registered nurse and practical nurse programs. (Comments Received, SOC ext.; due 11-15-2021)

[201 KAR 020:471](#). Repeal of 201 KAR 020:470. (Deferred from September)

[201 KAR 020:472](#). Initial approval for dialysis technician training programs. (Comments Received, SOC ext.; due 10-15-2021)

[201 KAR 020:474](#). Continuing approval and periodic evaluation of dialysis technician training programs. (Comments Received, SOC ext.; due 10-15-2021)

[201 KAR 020:476](#). Dialysis technician credentialing requirements for initial credentialing, renewal, and reinstatement. (Deferred from September)

[201 KAR 020:478](#). Dialysis technician scope of practice, discipline, and miscellaneous requirements. (Deferred from September)

TOURISM, ARTS AND HERITAGE CABINET

Department of Fish and Wildlife Resources

Game

[301 KAR 002:015](#). Feeding of wildlife. (Deferred from September)

JUSTICE AND PUBLIC SAFETY CABINET

Department of Corrections

[501 KAR 002:020](#). Definitions for 501 KAR Chapter 2. (Comments Received, SOC due 10-15-2021)

[501 KAR 002:060](#). Procedures for housing of Class C and D felons. (Comments Received, SOC due 10-15-2021)

TRANSPORTATION CABINET

Department of Highways

Billboards

[603 KAR 010:011E](#). Repeal of 603 KAR 010:002, 010:010, and 010:021. (“E” expires 04-26-2022) (Emergency Only) (Deferred from October)

[603 KAR 010:040E](#). Advertising devices. (“E” expires 04-26-2022) (Filed with Ordinary) (Comments Received, SOC due 10-15-2021)

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Board of Education

General Administration

[702 KAR 001:191E](#). District employee quarantine leave. (Filed with Ordinary)

[702 KAR 001:195E](#). ~~Face coverings in school facilities. (Emergency only)~~

School Terms, Attendance, and Operation

[702 KAR 007:125E](#). Pupil attendance. (“E” expires 05-08-2022) (Filed with Ordinary)

School Terms, Attendance, and Operation

[702 KAR 007:150](#). Home or hospital instruction. (Comments Received, SOC ext.; due 10-15-2021)

Office of Learning Support Services

[704 KAR 007:121](#). Repeal of 704 KAR 007:120. (Deferred from September)

Department for Libraries and Archives

Archives

[725 KAR 001:010](#). Records officers; duties. (Deferred from October)

[725 KAR 001:020](#). Recording and reproducing public records. (Deferred from October)

[725 KAR 001:025](#). Transfer of public records. (Deferred from October)

[725 KAR 001:030](#). Scheduling public records for retention and disposal; procedures. (Deferred from October)

[725 KAR 001:040](#). Collection and distribution of reports and publications. (Deferred from October)

[725 KAR 001:050](#). Records management program. (Deferred from October)

[725 KAR 001:061](#). Records retention schedules; authorized schedules. (Deferred from October)

Libraries

[725 KAR 002:015](#). Public library facilities construction. (Deferred from October)

[725 KAR 002:080](#). Interstate Library Compact. (Deferred from October)

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEMS

Commission on Fire Protection Personnel Standards and Education

[739 KAR 002:060](#). Certification and qualifications of fire and emergency services instructors. (Deferred from October)

LABOR CABINET

Department of Workplace Standards

Labor Standards; Wages and Hours

[803 KAR 001:005](#). Employer-employee relationship. (Deferred from September)

[803 KAR 001:025](#). Equal pay provisions, meaning and application. (Deferred from September)

[803 KAR 001:060](#). Overtime pay requirements. (Deferred from September)

[803 KAR 001:063](#). Trading time. (Deferred from September)

[803 KAR 001:065](#). Hours worked. (Deferred from September)

[803 KAR 001:066](#). Recordkeeping requirements. (Deferred from September)

[803 KAR 001:070](#). Executive, administrative, supervisory or professional employees; salesmen. (Deferred from September)

[803 KAR 001:075](#). Exclusions from minimum wage and overtime. (Deferred from September)

[803 KAR 001:080](#). Board, lodging, gratuities and other allowances. (Deferred from September)

[803 KAR 001:090](#). Workers with disabilities and work activity centers' employee's wages. (Comments Received, SOC ext.; due 10-15-2021)

Occupational Safety and Health

[803 KAR 002:330E](#). Occupational exposure to COVID-19. (Emergency Only) (Comments Received, SOC due 10-15-2021)

PUBLIC PROTECTION CABINET

Department of Insurance

Unauthorized Insurers' Prohibitions, Process and Advertising

[806 KAR 011:020](#). Multiple employer welfare arrangements. (Deferred from October)

Health Insurance Contracts

[806 KAR 017:350](#). Life insurance and managed care. (Deferred from October)

Motor Vehicle Repairs (No-fault)

[806 KAR 039:070](#). Proof of motor vehicle insurance. (Deferred from October)

Department of Housing, Buildings and Construction

Elevator Safety

[815 KAR 004:010](#). Annual inspection of elevators, chairlifts, fixed guideway systems, and platform lifts. (Deferred from October)

[815 KAR 004:025](#). Permit and inspection fees for new and altered elevators, chairlifts, fixed guideway systems, and platform lifts. (Deferred from October)

[815 KAR 004:027](#). Reporting incidents involving personal injury or death. (Deferred from October)

Kentucky Building Code

[815 KAR 007:080](#). Licensing of fire protection sprinkler contractors. (Deferred from October)

[815 KAR 007:110](#). Criteria for expanded local jurisdiction. (Comments Received, SOC due 10-15-2021)

Standards of Safety

[815 KAR 010:060](#). Kentucky standards of safety. (Comments Received, SOC due 10-15-2021)

[815 KAR 010:070](#). Consumer fireworks retailer registration and fees. (Deferred from October)

Plumbing

[815 KAR 020:050](#). Installation permits. (Deferred from October)

[815 KAR 020:195](#). Medical gas piping installations. (Deferred from October)

Hazardous Materials

[815 KAR 030:010](#). LP gas license; financial responsibility required. (Deferred from October)

[815 KAR 030:060](#). Certification of underground petroleum storage tank contractors. (Deferred from October)

CABINET FOR HEALTH AND FAMILY SERVICES

Office of Telehealth Services

Telehealth

[900 KAR 012:005E](#). Telehealth terminology and requirements. ("E" expires 04-24-2022) (Filed with Ordinary) (Comments Received, SOC due 10-15-2021)

Department for Public Health

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

~~[902 KAR 002:213E](#). Childcare standards for covering the face in response to declared national or state public health emergency. (Emergency Only) (Impacted by 2021 Legislation)~~

Department for Public Health

Sanitation

[902 KAR 010:120](#). Kentucky public swimming and bathing facilities. (Comments Received, SOC ext.; due 11-15-2021)

[902 KAR 010:190](#). Splash pads operated by local governments. (Comments Received, SOC ext.; due 11-15-2021)

Department for Medicaid Services

Outpatient Pharmacy Program

[907 KAR 023:020](#). Reimbursement for outpatient drugs. (Filed with Emergency) (Comments Received; SOC due 10-15-2021)

Department for Community Based Services

Division of Child Care

[922 KAR 002:160](#). Child Care Assistance Program. (Filed with Emergency) (Comments Received; SOC due 10-15-2021)

**Expiration dates in this document have been determined pursuant to KRS Chapter 13A provisions. Other statutes or legislation may affect a regulation's actual end date.*