

COMMONWEALTH OF KENTUCKY OFFICE OF THE SECRETARY OF STATE MICHAEL G. ADAMS

MAR 4 2022

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March 3, 2022

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: 30 KAR 2:010. Certification of vacancy in nominations

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 30 KAR 2:010, the Office of the Secretary of State proposes the attached amendment to 30 KAR 2:010.

Sincerely,

Jennifer Scutchfield

Assistant Secretary of State

3/1/22 SUGGESTED SUBSTITUTE

SECRETARY OF STATE

30 KAR 2:010. Certification of vacancy in nominations

RELATES TO: KRS 14.025, 118.105

STATUTORY AUTHORITY: KRS 118.105(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 14.025(4)[(2)] requires the Department of State, Office of Elections, to be responsible for candidate filings and assisting the Secretary of State in his or her duties as the chief election official of Kentucky[elections]. KRS 118.105(3) authorizes the Secretary of State to certify that a vacancy exists in a nomination because of death, withdrawal, disqualification to hold the office sought, or severe disabling condition which arose after the nomination. This administrative regulation establishes procedures to certify vacancy in nominations.

Section 1. Notification of Vacancy.

- (1) The Secretary of State shall be notified of the vacancy in a nomination governed by KRS 118.105.
 - (2) The notification shall:
 - (a) Be written;
 - (b) Be dated:
 - (c) State the reason for the vacancy;
 - (d) Contain documentation to substantiate the reason for the vacancy;
 - (e) Be signed by the person making the notification; and
 - (f) Be notarized.
 - (3) The notification may be made by:
 - (a) The candidate;
 - (b) The governing authority of a party;
 - (c) A registered voter; or
 - (d) An opposing candidate.
 - (4) The notification shall be delivered to the Secretary of State by:
 - (a) Certified mail;
 - (b) Fax;
 - (c) Email; or
 - (d) Any person authorized by the person making the notification.

Section 2. Documentation to Substantiate Reason for Vacancy.

- (1) Documentation to substantiate the reason for a vacancy shall be filed with the notification by the candidate or governing authority of the party as provided by this section. For:
- (a) Death of a candidate: a certificate of death or other evidence satisfactory to the Secretary of State, such as a:
 - 1. Certification or written statement from the coroner; or
 - 2. Certification from a funeral director;
 - (b) Withdrawal of a candidate: the Notice of Candidate Withdrawal form, SBE/SOS/05 (4/21);
 - (c) Disqualification to hold the office sought: evidence of legal disqualification; and
 - (d)[(e)] Severe disabling condition: medical evidence of the condition.
- (2) Medical evidence of a severe disabling condition shall consist of medical evidence provided by:
 - (a) A licensed and practicing:

1. Physician;

2. Osteopath;

3. Psychologist;

4. Psychiatrist; or

(b) Other medical professional qualified to make a determination that the candidate is suffering from a severe disabling condition.

(3) The documentation filed to substantiate the reason for vacancy may be challenged, in

writing, by:

(a) The governing authority of an opposing party;

(b) An opposing candidate; or

(c) A registered voter.

(4)(a) The Secretary of State shall review all documentation relating to the reason for a vacancy.

(b) If the Secretary of State determines that additional documentation is required, he or she

shall request a review:

1. Of the medical evidence of a severe disabling condition filed with the notification; or

2. By a medical professional specified in subsection (2) of this section.

Section 3. In accordance with KRS 118.105, the Secretary of State shall not certify that a vacancy exists if he or she determines that the documentation filed to substantiate the reason for the vacancy does not establish that a vacancy exists because of:

(1) Death;

(2) Withdrawal;

(3) Disqualification to hold the office sought; or

(4)(3) A severe disabling condition which arose after the nomination.

<u>Section 4. Incorporation by Reference. (1) "Notice of Candidate Withdrawal", SBE/SOS/05, April 2021" is incorporated by reference.</u>

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Secretary of State's Office, 700 Capital Avenue, State Capitol, Suite 152, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., or may be obtained at http://www.sos.ky.gov.

CONTACT PERSON: Jennifer Scutchfield, 700 Capital Avenue, State Capitol, Suite 152, Frankfort, Kentucky 40601, phone (502) 782-7417, fax (502) 564-5687, email jscutchfield@ky.gov.



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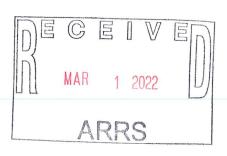


State Board of Accountancy

332 W. Broadway, Suite 310 Louisville, KY 40202 Phone: (502) 595-3037 Fax: (502) 595-4500

cpa@ky.gov

March 1, 2022



Joseph P. Donohue Executive Director

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: 201 KAR 1:190. Examination sections, applications, and procedures.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 1.190, the Kentucky State Board of Accountancy proposes the attached amendment to 201 KAR 1.190.

Please let me know if you have any questions or need anything further on this.

Sincerely

Joseph P. Donohue, Executive Director Kentucky State Board of Accountancy

332 W. Broadway, Suite 310

Louisville, KY 40202

Enc.

SUGGESTED SUBSTITUTE

Final Version: 2/21/2022 3:08 PM

BOARDS AND COMMISSIONS State Board of Accountancy

201 KAR 1:190. Examination sections, applications, and procedures.

RELATES TO: KRS 325.270, 325.261[(4)]

STATUTORY AUTHORITY: KRS 325.240(2), 325.270(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 325.240(2) authorizes the board to promulgate administrative regulations to administer KRS Chapter 325. KRS 325.270(1) and (2) require the board to authorize examinations for individuals seeking to become certified public accountants [7] and authorize[permit] the board to, by administrative regulation, promulgate[adopt] standards and fees governing all examination policies and procedures. KRS 325.261(4) requires passage of an examination prior to a person becoming licensed as a certified public accountant and for the board to determine the subjects to be included on the examination. This administrative regulation establishes the subjects, also referred to as sections, to be included on the examination, and the procedures [7] and fees associated with the administration of the examination.

Section 1. Definitions.

- (1) "Accounting course" means the subject matter contained in the course description or catalog issued by a college or university includes auditing, tax, accounting standards, principles, or processes.
- (2) "AICPA" means the American Institute of Certified Public Accountants, the entity that prepares and grades the Uniform CPA Examination.
- (3) "Business-related subjects" means courses that contain in the course prefix or title, an indication that the course subject matter is one (1) of the following: business, finance, marketing, management, economics, computers, statistics, or accounting.
- (4) "CLEP credit" means credit granted by a university or college to a prospective student who obtains a passing score on an exam administered through the College Level Examination Program.
- (5) "DSST credit" means credit granted by a university or college to a prospective student who obtains a passing score on an exam administered through the Dantes Subject Standardized Testing program.
- (6) "Life assessment course" means a course <u>in which[where]</u> a student earns credit at a university or college based upon the student's personal life and work experiences.
- (7) "Major or concentration in accounting" means a minimum of thirty-nine (39) semester hours in business-related subjects, of which twenty-seven (27) semester hours [shall] consist of accounting courses.
- (8) "NASBA" means the National Association of State Boards of Accountancy, which operates a nationwide computer data bank for candidates applying to sit for the Uniform CPA Examination.
 - (9) "Official transcript" means an official document issued by a college or university that:
- (a) States[specifies] the college course work completed, degrees awarded, and the date the degree was awarded; [7] and

(b) Contains an authorizing signature or seal.

- (10) "Prometric or its successor" means the testing service in charge of administering the Uniform CPA Examination.
 - (11) "Quarter hour" means 66/100ths of a semester hour.
- (12)["Testing window" means the two (2) months out of each three (3) month period during a calendar year when an exam candidate may sit for the Uniform CPA Examination.
- (13)] "Uniform CPA Examination" means the computer-based version of the licensure examination administered by the AICPA.
- Section 2. Examination [Sections]. The board <u>shall use[has adopted]</u> the Uniform CPA Examination prepared by the AICPA as the examination every candidate seeking to receive a license shall sit for and obtain a passing grade <u>for licensure</u>.[The sections included on this examination shall be:
 - (1) Auditing and Attestation;
 - (2) Financial Accounting and Reporting;
 - (3) Regulation; and
 - (4) Business Environment and Concepts.]

Section 3. Grading Procedures and Acquiring Credit for Obtaining a Passing Score.

- (1) An exam candidate shall receive a passing score on all sections of the examination to be eligible to receive a license.
- (2) The passing score shall be seventy-five (75) on each section. [An exam candidate may retain a passing score on any section even though the candidate may have sat for and failed other sections of the examination at the same sitting.]
- (3)[Subject to the exception contained in subsection (4) of this section, an exam candidate may sit for one (1) or any number of the four (4) sections of the examination at a time during a testing window.
- (4) An exam candidate shall not sit more than once for the same section of the examination during a testing window. Beginning July 1, 2020] An exam candidate shall not sit for the same section of the examination until after the candidate receives [they receive] a score for that section.
- (4) If[(5) When] an exam candidate initially receives a passing score on a section of the Uniform CPA Examination, the candidate shall have eighteen (18) months following the last day of the month of the administration of that examination section to obtain a passing score on the remaining sections of the examination.
- (a) Failure to receive a passing score on the remaining sections of the examination within the eighteen (18) months shall result in the expiration of the initial passing score, but not other sections passed during that eighteen (18) month period.
- (b) All sections of the examination shall be passed during an eighteen (18) month time period for the candidate to be considered to have passed the examination.
- (5)[(6)] One (1) request to extend the time to retain passing scores beyond the time restrictions contained in this section shall be granted to a candidate. The who has sat for one (1) section of the exam during the same testing window when the passing score was to expire. The time extension shall expire on the last day of the testing window that immediately follows the

month in which the score was scheduled to expire. Beginning July 1, 2020, an] extension shall expire the last day of the calendar quarter from the date the candidate sat for the exam section.

Section 4.[Beginning July 1, 2020, testing windows as defined in Section 1(12) of this administrative regulation shall cease to exist.

Section 5.] Initial Examination Applicants.

- (1) Initial examination application process.
- (a) An initial examination applicant shall submit a complete, notarized Application for the Uniform CPA Examination.
 - (b) The applicant shall:
- 1. Indicate **if[whether]** the applicant has been convicted, plead guilty, entered an Alford plea, or a plea of no contest to a felony or misdemeanor, other than a minor traffic violation, and if so, submit with the application:
 - a. A copy of the judgment or sentence of conviction;
- b. A criminal record check report from the Kentucky Administrative Office of the Courts, Courtnet Disposition System that is dated within six (6) months of the date of the application, or a similar document from the <u>out-of-state[out of state]</u> agency where the conviction was entered; and
 - c. A letter of explanation;
- 2. Indicate **if[whether]** the applicant has been denied admission to the Uniform CPA Examination, and if so, attach to the application a letter explaining the reason, date, and jurisdiction of the denial;
- 3. Indicate **if[whether]** the applicant has had disciplinary action taken against any professional license, and if so, attach to the application:
 - a. A letter indicating the jurisdiction and date of action;
 - b. A copy of all records associated with the action; and
 - c. An explanation of the circumstances; and
- 4. Submit an official transcript from each college or university that evidences completion of the educational requirements established in KRS 325.261, which includes a major or concentration in accounting. Course credit hours that are based upon a quarter hour system shall be converted to semester hours.
- (c) An applicant requesting reasonable accommodations in testing due to a disability shall complete an Exam Applicant Special Accommodations Request Form supported by documentation no more than three (3) years old from a qualified examiner that shall include:
 - 1. A diagnosis of the disability; and
 - 2. Recommendation for the specific accommodations.
- (d) The board shall not be responsible for the costs associated with obtaining the required documentation, but shall be responsible for the costs of reasonable accommodations that are provided to the applicant.
- (e) The applicant shall submit a fee with the Application for the Uniform CPA Examination in the amount of:
 - 1. Thirty (30) dollars for the application; and
 - 2. Thirty (30) dollars for each section of the examination the applicant intends to take.
 - (f) Fees shall be nonrefundable and payment shall be in the form of a check or money order

made payable to the Kentucky State Board of Accountancy. If the institution the check or money order is drawn on does not honor the check or money order, the application shall be incomplete and returned.

- (2) Educational requirements.
- (a) Educational requirements shall be completed at:
- 1. A college or university within the United States that was accredited by one (1) of the following accrediting associations when the degree was granted:
 - a. Middle States Association of Colleges and Schools;
 - b. North Central Association of Colleges and Schools;
 - c. New England Association of Schools and Colleges;
 - d. Northwest Association of Schools, Colleges and Universities;
 - e. Southern Association of Colleges and Schools;
 - f. Western Association of Schools and Colleges; or
- 2. The board shall accept course credit hours awarded by a college or university after January 1, 2020 that is not accredited by one (1) of the associations listed in paragraph (a) 1. of this subsection, if those course credit hours receive credit from a college or university accredited by one (1) of the associations specified in paragraph (a) 1. of this subsection following the enrollment of the student in the accredited college or university. This exception does not apply to the course credits listed in subsection (3) of this section; or
- 3. A postsecondary educational institution outside the United States with course credits certified by a credentialing agency that is a member of the National Association of Credential Evaluation Services, Inc., or NASBA.
 - (b) The certification required by paragraph (a)3. of this subsection shall indicate:
- 1. That the foreign degree is equivalent to a baccalaureate or master's degree earned in an accredited United States college or university as <u>established[described]</u> in KRS 325.261 and this administrative regulation;
 - 2. That the applicant had a major or concentration in accounting;
 - 3. The title of all courses completed by the applicant outside of the United States; and
 - 4. The amount of credit awarded to the applicant for each course.
- (c) The board may consult with a Kentucky state-funded, four (4) year institution of higher education for assistance in evaluating the hours earned and the accreditation of an educational institution under this subsection.
- (3)(a) [Effective January 1, 2015,] An applicant shall not receive credit toward satisfying the education requirements in KRS 325.261 and this administrative regulation for any credit hours awarded through a life assessment course or for DSST credit.
- (b) [Effective January 1, 2015,] An applicant who received CLEP credit, or credit hours from a college or university for completing an internship or co-op program may use a maximum of six (6) of those hours from each program for a total of twelve (12) hours solely toward satisfying the 150 hour requirement in KRS 325.261(5).

Section 5.[6.] (1)(a) The executive director of the board shall review all applications.

- (b) If the executive director determines the application satisfies the requirements of this administrative regulation, the application shall be approved.
 - (c) If the executive director refuses to approve the application, it shall be submitted to the

board for the board's [its] review and consideration at its next regularly scheduled meeting.

- (2) Applications approved by the executive director or the board shall be entered into the data bank operated by NASBA. NASBA shall then issue a payment coupon to the applicant that specifies the fees to be paid to NASBA, the AICPA, and Prometric to sit for the exam.
- (3) Following payment of the required fees, NASBA shall issue a notice to schedule to the candidate, which states the candidate is eligible to contact Prometric or its successor to schedule a date and time to sit for the examination.
- (4)(a) A candidate shall have six (6) months from the date of issuance by NASBA of a notice to schedule to sit for the sections of the examination approved by the executive director or the board.
- (b) The notice to schedule shall expire when the candidate has sat for the sections approved by the executive director or the board, or at the conclusion of the six (6) month period, whichever comes first.
- (c) A notice to schedule that is not expired may be extended if a candidate describes in writing that the extension is necessary due to an emergency or a serious illness that will prohibit the candidate from sitting for a section of the exam prior to the conclusion of the six (6) month time period.
- (d) To obtain approval to sit for additional sections of the examination, a candidate shall submit a reexam application as **established[described]** in Section 10 of this administrative regulation.
- (5)(a) The exam candidate shall pay all costs associated with sitting for the Uniform CPA Examination charged by NASBA, Prometric or its successor, and the AICPA.
- (b) The costs shall be paid no later than ninety (90) days following the date of issuance of the payment coupon from NASBA.
- (c) Failure to pay these fees prior to the end of the ninety (90) day time period shall result in the cancellation of the payment coupon and require the candidate to submit a reexam application accompanied by the appropriate fees.

Section 6.[7.] Examination Rules of Conduct.

- (1) An examination candidate shall present two (2) forms of current and valid identification at the Prometric or its successor examination center. One (1) of these forms of identification shall be a state driver's license, a picture identification card issued by a state motor vehicle licensing agency, or a passport.
- (2) The license or picture identification card shall be currently in effect and shall contain a photograph and signature.
- (3) Failure to bring this identification to the examination center shall result in the candidate being prohibited from sitting for the examination.
- (4) An examination candidate shall comply with all directives of the staff at the Prometric or its successor testing center and the rules of conduct in effect at the testing center.
 - (5) An examination candidate shall not:
- (a) Use written materials or mechanical aids inside or outside the examination room during the course of the examination;
- (b) Communicate with any person, other than the testing center staff, inside or outside the examination room, during the course of the examination;
 - (c) Copy answers or allows his or her answers to be copied;

- (d) Substitute an individual in his or her place;
- (e) Disclose in any manner any information concerning the examination questions or content;
- (f) Falsify or misrepresent educational credentials or other information required for admission to the examination; or
 - (g) Fail to follow written or announced examination administration procedures.

Section **7.[8-]** Examination Misconduct Penalties. An examination candidate who violates any of the provisions of this administrative regulation may be prohibited from:

- (1) Further participation in that particular examination section;
- (2) Receiving grades after sitting for any examination; or
- (3) Sitting for subsequent examinations.

Section **8.[9.]** An exam applicant shall immediately notify the board of a change in his or her mailing address.

Section 9.[10.] Reexam Applicants.

- (1) Upon request, the board shall mail a Reexam Application for the Uniform CPA Exam to every candidate who fails to pass the Uniform CPA Examination.
- (2) The reexam application shall be mailed to the most recent address provided by the candidate.
- (3) The board shall not be responsible if the reexam application is not delivered by the United States Postal Service.

(4)(a) The applicant shall:

- 1. Indicate since the approval of the applicant's initial application <u>if[whether]</u> the applicant has been convicted, plead guilty, entered an Alford plea, or a plea of no contest to a felony or misdemeanor, other than a minor traffic violation, and if so, submit with the reexam application:
 - a. A copy of the judgment or sentence of conviction;
- b. A criminal record check report from the Kentucky Administrative Office of the Courts, Courtnet Disposition System that is within six (6) months of the date of the application, or a similar document from the out of state agency where the conviction was entered; and
 - c. A letter of explanation; and
- 2. If not previously submitted, and if the applicant is requesting reasonable accommodations in testing due to a disability, complete an Exam Applicant Special Accommodations Request Form supported by documentation no more than three (3) years old from a qualified examiner that shall include:
 - a. A diagnosis of the disability; and
 - b. Recommendation for the specific accommodations.
- (b) The reexam application shall be received in the board's office prior to the reexam candidate being considered eligible to sit for any section of the exam.
 - (5)(a) The candidate shall return the completed reexam application with the reexam fee.
- (b) The reexam fee shall be thirty (30) dollars per section. The reexam fee shall be nonrefundable and paid by check or money order made payable to the Kentucky State Board of Accountancy. If the institution the check or money order is drawn on does not honor the check or money order, the application shall be incomplete and returned.

- (6) A reexam candidate who fails to comply with the requirements of this section shall not be **allowed[permitted]** to sit for reexam.
- (7) The procedures and policies in Section **5[6]** of this administrative regulation shall be applicable to a reexam application.
- (8) The reexam candidate shall comply with the requirements of Sections 6 through 8[7, 8, and 9] of this administrative regulation.

Section <u>10.[11.]</u> Examination Grades. [Effective April 1, 2020,] Kentucky exam candidates will receive their scores via the NASBA Web site: Nasba.org. [received from NASBA shall be:

- (1) Posted on the board's Web site; and
- (2) A copy mailed to each affected candidate.]

Section <u>11.[12.]</u> Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Application for the Uniform CPA Examination", October 2014;
- (b) "Reexam Application for the Uniform CPA Examination", 2014; and
- (c) "Exam Applicant Special Accommodations Request Form", October 2014.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Accountancy, 332 W. Broadway, Suite 310, Louisville, Kentucky 40202, Monday through Friday, 8 a.m. to 4:30 p.m.

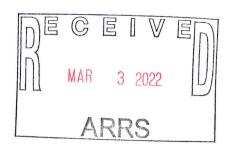
CONTACT PERSON: Joseph P. Donohue, Executive Director, Kentucky State Board of Accountancy, 332 W. Broadway, Suite 310, Louisville, Kentucky 40202, phone (502) 595-3037, fax (502) 595-4281, email joep.donohue@ky.gov.



BOARD MEMBERS
JASON D. CROCKETT
FRANCIS L. SIMPSON
SANDY M. STOVALL
JARON ALEXANDER
RYAN CORNELL

KENTUCKY BOARD OF BARBERING

312 Whittington Parkway Suite 110 Louisville, KY. 40222 (502) 429-7148



February 28, 2022

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: 201 KAR 14:140

Inspection of shops and schools.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Sub Committee staff of the issues raised by 201 KAR 14:040, the Board of Barbering proposes the attached amendments to 201 KAR 14:040.

Sincerely,

Mason McNulty, Administrator Kentucky Board of Barbering 312 Whittington Parkway #110

Louisville, KY 40222

Final, 2-24-2022

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS Board of Barbering

201 KAR 14:040. Inspection of shops and schools.

RELATES TO: KRS 317.440(1), 317.450(2), 317.590, 317.595(2) STATUTORY AUTHORITY: KRS 317.440(1), 317.450(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(1) requires the Board of Barbering to promulgate administrative regulations governing the location and housing of barber shops or schools and the quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops or schools. KRS 317.450(2) requires the board to refuse to issue a license to a barber who has failed to comply with the provisions of KRS Chapter 317 and 201 KAR Chapter 14. KRS 317.590 authorizes disciplinary action for violations of KRS Chapter 317 and 201 KAR Chapter 14. This administrative regulation establishes requirements relating to the inspection of a barber shop or school and the information to be displayed at a barber shop or school.

Section 1. A board member or authorized agent may inspect a barber shop, manicuring establishment located within a barber shop, or a barber school to determine if the licensee is in compliance with KRS Chapter 317 and 201 KAR Chapter 14.

Section 2. A barber shop or school shall conspicuously display:

- (1) The license and picture of each barber and independent contract owner engaged in the practice of barbering at that shop or school [;] at the station where the barber or student is working:
 - (2) The license for the barber shop or school; [and]
- (3) The most recent inspection sheet furnished by the board for the barber shop, independent contract owner, or school. The inspection sheet shall include the telephone number and address for a consumer to use to file a complaint against a licensee; and
- (4) The permit card and current picture taken within the last twelve (12) months shall be displayed at each student workstation in a school of barbering.

Section 3. The owner and manager of each establishment licensed by the board shall be responsible for compliance with KRS Chapter 317 and 201 KAR Chapter 14. This section shall not apply to violations committed by an independent contract owner, in accordance with KRS 317.595(2).

CONTACT PERSON: Christopher D. Hunt, General Counsel, 312 Whittington Pkwy Suite 110, Louisville, Kentucky 40222, phone +1 (502) 782-0778, fax +1 (502) 324-6192, email chrisd.hunt@ky.gov.



BOARD MEMBERS
JASON D. CROCKETT
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KENTUCKY BOARD OF BARBERING

312 Whittington Parkway Suite 110 Louisville, KY. 40222 (502) 429-7148



February 28, 2022

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: 201 KAR 14:050

Probationary license; qualifications.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Sub Committee staff of the issues raised by 201 KAR 14:050, the Board of Barbering proposes the attached amendments to 201 KAR 14:050.

Sincerely,

Mason McNulty, Administrator Kentucky Board of Barbering 312 Whittington Parkway #110

Louisville, KY 40222

Final, 2-25-2022

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS Board of Barbering

201 KAR 14:050. Apprentice[Probationary] license; qualifications.

RELATES TO: KRS 317.450(1)(a)-(d)

STATUTORY AUTHORITY: KRS 317.440(1)(d), 317.450(1)(a)-(d)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.450(1)(a)-(d) requires the Board of Barbering to issue <u>apprentice[probationary]</u> licenses before issuing a license to practice barbering. KRS 317.440(1)(d) requires the board to promulgate administrative regulations establishing qualifications of <u>applicants to or enrollees in[fer]</u> barber schools. This administrative regulation establishes the process for obtaining <u>apprentice[probationary]</u> and barber licenses.

- Section 1. An applicant for a license as <u>an apprentice[a probationary]</u> barber shall meet the qualifications listed in KRS 317.450(1)(a).
- Section 2. A person holding a Kentucky cosmetology license shall be given credit for 750 hours toward a prescribed course of instruction at a school of barbering approved in accordance with 201 KAR 14:095.
- Section 3. (1) <u>An apprentice[A probationary]</u> licensee shall not apply for a barber license until the apprentice[probationary] period required by KRS 317.450 has been served.
- (2) The board may, in individual cases involving medical disability, illness, or undue hardship as determined by the board, grant an extension of the <u>apprentice[probationary]</u> period.
- (a)<u>1.</u> A written request for an extension of time involving medical disability, [or] illness, or undue hardship shall be submitted by an applicant.
- 2. A request involving a medical disability or illness[and] shall be accompanied by a verifying document signed by a licensed physician.
- (b) An extension of the <u>apprentice[probationary]</u> period shall be granted by the board for a period of time not to exceed six (6) months, upon approval of the request and payment of the <u>initial licensing[requisite]</u> fee <u>for an apprentice license</u>, as established in 201 KAR 14:180, Section 1(1).
- (c) If the medical disability, illness, or undue hardship upon which an extension has been granted continues beyond the period of the extension, the applicant shall reapply for an extension.
- Section 4. Continuous service consists of working with <u>an apprentice[a probationary]</u> license in a Kentucky licensed barber shop for an average of twenty (20) hours or more per week for six (6) continuous months.

Section 5. [(1)] The <u>applicant shall submit the Initial License Form with the initial licensing fee for a barber license, as established in 201 KAR 14:180, Section 1(2)[application for licensure shall include the following information:</u>

 <u>'a</u>	L	ho.	20	nL	ica	nt'c:
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- ____1. Name:
- 2. Address:

- -3. County;
- 4. Phone number; and
- 5. Email address: and
- (b) The barber shop's:
- ____1. Name;
- 2. Address; and
- 3. Phone number.
- (2) [The application shall contain the question, "Are you in arrears or default on a repayment obligation under any financial assistance program with the Kentucky Higher Education Assistance Authority?"
- (3)] The application shall be signed by the applicant].

<u>Section 6. Incorporation by Reference. (1) "Initial License Form", February 2022, is incorporated by reference.</u>

- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Barbering, 312 Whittington Parkway, Suite 110, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m.
 - (3) This material is also available on the board's Web site at https://barbering.ky.gov/.

CONTACT PERSON: Christopher D. Hunt, General Counsel, 312 Whittington Pkwy Suite 110, Louisville, Kentucky 40222, phone +1 (502) 782-0778, fax +1 (502) 324-6192, email chrisd.hunt@ky.gov.

MATERIAL INCORPORATED BY REFERENCE

The agency needs to file \underline{one} (1) clean \underline{copy} of the Initial License Form at the time that it files this staff suggested amendment with a 2/22 edition date.

Initial License Form

Kentucky Board of Barbering 312 Whittington Parkway, Suite 110 Louisville, KY 40222

BARBER 1 st						
Name		Home Phone				
Address	2.0155 S044970 857, F17					
Number and Street	City	County	Zip			
Shop Name (Required)			and the second of the second o	_		
Shop Address (Required)						
Number and Street	City	County	Zip			
Signature	Name (p.	lease print)				
Date	E-Mail Address (Used for informational purposes only)					
This form must be signed and returned to the Kentu	cky Board of Barbering along with	your license fee of \$50.00. Your a	pplication will not be processed until	this sign		

<u>ed</u> and dated form is received. Send Money Order or Cashier's Check Only. NO PERSONAL OR BUSINESS CHECKS ACCEPTED.

Rev 2/22



BOARD MEMBERS
JASON D. CROCKETT
FRANCIS L. SIMPSON
SANDY M. STOVALL
JARON ALEXANDER
RYAN CORNELL

KENTUCKY BOARD OF BARBERING

312 Whittington Parkway Suite 110 Louisville, KY. 40222 (502) 429-7148



February 28, 2022

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

201 KAR 14:085

Sanitation requirements.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Sub Committee staff of the issues raised by 201 KAR 14:085, the Board of Barbering proposes the attached amendments to 201 KAR 14:085.

Sincerely,

Mason McNulty, Administrator Kentucky Board of Barbering 312 Whittington Parkway #110

Louisville, KY 40222

Final, 2-25-2022

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS Board of Barbering

201 KAR 14:085. Sanitation requirements.

RELATES TO: KRS 317.410, 317.440, 317.580 STATUTORY AUTHORITY: KRS 317.410, 317.440

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(1)(b) requires the Board of Barbering to promulgate administrative regulations governing the quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops or schools. This administrative regulation establishes the sanitation requirements.

Section 1. Any barber, apprentice[probationary] licensee, student barber, manicurist, or instructor of barbering suffering from any contagious diseases or conditions shall not be allowed to practice in this state, in accordance with KRS 317.580. A person suffering from a contagious disease or condition shall not be rendered service by any barber, apprentice[probationary] licensee, student barber, manicurist, or instructor of barbering in the state.

Section 2. General Sanitation. The entire licensed facility, barber shops, and barber schools, including all equipment, employees, and implements, shall be continually maintained in a sanitary manner, in accordance with KRS 317.580 and this administrative regulation.

Section 3. Methods of Sanitizing. All commercially prepared sanitizing agents shall be used in accordance with the manufacturer's instructions.

Section 4. Disinfection of Implements and Spills; Blood and Body Fluids. (1) Implements and surfaces shall be thoroughly cleaned prior to disinfection because disinfectants are inactivated and ineffective if visibly contaminated with debris, hair, dirt, or particulates or if heavily soiled.

- (a) Disinfectants shall be prepared fresh daily or more often if solution becomes diluted or soiled.
- (b) Contact Time: A surface shall be left wet or completely immersed for ten (10) minutes or longer, as required by the manufacturer, for disinfecting against HIV, HBV, and all other viruses, bacteria, and fungi.
- (2) All used implements shall first be cleaned of visible dirt, debris, or bodily fluids with warm soapy, detergent water and then disinfected by completely immersing in a disinfectant authorized by this subsection.
- (a) All nonporous implements that come into contact with intact skin shall be thoroughly cleaned before immersion in a disinfectant authorized by this paragraph. An appropriate disinfectant for objects that come into contact with intact skin shall include:
- 1. An Environmental Protection Agency registered, hospital-grade bactericidal (especially pseudomonacidal), virucidal, and fungicidal that is mixed and used according to the manufacturer's directions; or
 - 2. Household bleach in a ten (10) percent solution for ten (10) minutes.
- (b) All nonporous implements which have come in contact with blood or body fluids shall be thoroughly cleaned before immersion in a disinfectant authorized by this paragraph. An appropriate disinfectant shall include:

- 1. Environmental Protection Agency registered tuberculocides or products registered against HIV/HBV; or
 - 2. Household bleach in a ten (10) percent solution for ten (10) minutes.
- (c) For personal protection against blood-borne pathogens, cleanup shall always be done wearing protective gloves, gowns, and eye protection for large spills.
- (d) All implements, which have come in contact with blood or body fluids, shall be disinfected by complete immersion in a disinfectant in accordance with this section.
- (3) Any nonporous surface that comes in contact with blood or body fluids shall first be cleaned with warm soapy, detergent water, and then a disinfectant shall be used in accordance with this subsection.
- (a) An appropriate disinfectant for surfaces which have come in contact with blood or body fluids shall include:
- 1. Environmental Protection Agency registered tuberculocides or products registered against HIV/HBV; or
 - 2. Household bleach in a ten (10) percent solution for ten (10) minutes.
- (b) For personal protection against blood-borne pathogens, cleanup shall always be done wearing protective gloves, gowns, and eye protection for large spills.
- (4) Household bleach shall be an effective disinfectant for all purposes in a shop or school, with the following considerations:
- (a) Bleach solutions shall be mixed daily and used in a ten (10) to one (1) solution, nine (9) parts tap water and one (1) part bleach.
 - (b) Bleach shall be kept in a closed covered container and not exposed to sunlight.
 - (c) Each licensee shall be aware that bleach:
 - 1. May produce eye irritation or mouth, esophageal, and gastric burns; and
 - 2. Is corrosive to metals.
- (d) Bleach shall not be placed or stored near other chemicals used in salons, such as acrylic monomers, alcohol, other disinfecting products, or near flame because bleach vapors can react with vapors from other chemicals.
- (e) Used or soiled bleach solution shall be discarded every day by pouring the solution down a sink basin or toilet bowl.
- (5) A bottle container other than the original manufacturer's container used for application of authorized disinfectant shall be properly labeled as to contents, percentage solution, and date mixed.
- (6) Cleanup items from minor cuts shall be double bagged or placed in biohazard containers. Licensees shall consult with the local health department for directions about disposal.
- (7) All Food and Drug Administration designated "medical devices" shall only be disinfected by Environmental Protection Agency approved disinfectants, which are indicated by their registration number on the product label. The manufacturer's directions for use shall always be followed.
- Section 5. Shampoo Bowls. All shampoo bowls, shampoo boards, cups, or similar items shall be sanitized, in accordance with this administrative regulation, after each use.
- Section 6. Proper Protection of Neck. (1) A shampoo apron, hair cloth, or similar article shall not be placed directly against the neck of the patron, and these items shall be kept from direct contact with the patron by means of a paper neck band or clean towel.
 - (2) A neck band of paper or cloth shall not be used more than once.
- (3) A towel shall not be used more than once without proper laundering, in accordance with Section 12 of this administrative regulation.

Section 7. Use of Creams. (1) All creams and other semi-solid substances shall be removed from containers with a clean, sanitized spatula.

(2) Spatulas made of a washable, nonabsorbent material shall be sanitized before being used again.

(3) Spatulas made of wood shall be discarded after one (1) use.

Section 8. Use of Styptics. Styptics to arrest bleeding shall be used only in liquid or powder form and shall be applied by clean gauze, cotton, or any other sanitary item.

Section 9. Special Solution Containers. Product containers shall be used to prevent the contamination of unused solution.

Section 10. Use of Powder. All powder shall be dispensed from a shaker or similar receptacle and shall be applied with disposable puffs or cotton pledgets, or other disposable applicators.

Section 11. Walls and Floors. Walls, floors, and fixtures shall be sanitary and kept clean at all times.

Section 12. Proper Laundering Methods. (1) All cloth towels, robes, and similar items shall be laundered in a washing machine with laundry detergent and chlorine bleach used according to the manufacturer's directions for sanitation purposes.

(2) A closed, dustproof cabinet shall be provided for clean towels and linen, and a closed, dustproof hamper or receptacle shall be provided for all soiled towels and linens.

Section 13. Personal Hygiene. (1) Any barber, apprentice[probationary] barber, student barber, manicurist, or instructor of barbering shall wash his or her[their] hands in antibacterial soap and water before beginning work on any and each patron.

(2) All licensees shall wear a clean, washable outer garment while serving a patron in a shop.

(3) Instruments or implements shall not be carried or stored in pockets, belts, aprons, or smocks.

Section 14. Equipment Sanitation. (1) All equipment used in a shop shall be maintained in a sanitary manner, in accordance with this section.

(2) Razors, scissors, tweezers, combs, rubber disc, parts of vibrators, clippers, trimmers, neck dusters, and any appliances or implements that come in contact with the head, face, neck, and hands shall be sanitized in accordance with the manufacturer's instructions, KRS 317.580, and this administrative regulation and placed in a dry sanitizer such as a properly functioning cabinet sanitizer (light box, UV light) to maintain the sanitation between uses.

(3)(a) Electrical equipment that provides circulating, whirlpool, or vacuum effects (for example, a facial machine, pedicure station, and nail drill) shall be:

1. Cleaned and disinfected after each use; and

2. Flushed, cleaned, and disinfected on a bi-weekly schedule.

(b) A record of this cleaning shall be kept in a log and made available upon any shop inspection.

(c) A bi-weekly cleaning shall include the use of a hospital grade disinfectant or ten (10) percent bleach solution that is circulated through the machine for the minimum time recommended by the manufacturer.

(4)(a) Heated electrical equipment such as thermal irons, pressing combs, and stoves shall be considered sanitized by the heat source.

- (b) Unheated parts of heated electrical equipment shall be cleaned and disinfected according to manufacturers' recommendations.
- (c) Any other electrical equipment, such as clippers and attachments, shall be cleaned and disinfected after each use using the following method:
 - 1. Removal of hair and all foreign matter from the equipment; and
- 2. Complete saturation of clipper blade and attachment with an EPA-registered high-level disinfectant solution, spray, or foam used according to the manufacturer's instructions.
- Section 15. (1) Rooms used for multiple purposes, such as massage, shall be permissible **if[as long as]** all instruments, implements, and supplies are properly sanitized, in accordance with this administrative regulation.
- (2) Any barber, apprentice[probationary] barber, student barber, or instructor of barbering engaged in the practice of barbering work of any kind shall have a minimum of six (6) combs at <u>his or her[their]</u> disposal. Each work station shall have a bottle of alcohol (ethyl alcohol <u>seventy (70)[ninety (90)]</u> percent) and cotton of the same sanitary condition for the purpose of sanitizing scissors, razors, clippers, and all instruments before and after each use on a patron.
- (3) At least one (1) covered waste receptacle for every two (2) work stations shall be provided in each barber shop and barber school for the deposit of soiled towels. An additional covered receptacle for every two (2) work stations shall be provided for the disposal of used paper products.
- (4) Laundry work in a barber shop and school shall be prohibited in the same room where any barber service is rendered. Drying of towels or linens on radiators or on lines in a barber shop and barber school shall be prohibited.
 - (5) The use of the following items shall be prohibited in barber shops and barber schools:
 - (a) Non-disposable powder puffs;
 - (b) Sponges;
 - (c) Lump alum; and
 - (d) Styptic pencils.

CONTACT PERSON: Christopher D. Hunt, General Counsel, 312 Whittington Pkwy Suite 110, Louisville, Kentucky 40222, phone +1 (502) 782-0778, fax +1 (502) 324-6192, email chrisd.hunt@ky.gov.

***At the time that it files this staff suggested amendment the agency needs to file <u>one (1)</u> <u>copy</u> of the letter as evidence that the Secretary for the Cabinet for Health and Family Services approved the changes pertaining to health and sanitation as required by KRS 317.440(3).



CABINET FOR HEALTH AND FAMILY SERVICES Office of the Secretary

Andy Beshear Governor

275 East Main Street, 4W-A Frankfort, KY 40621 www.chfs.ky.gov Eric C. Friedlander Secretary

February 21, 2022

Carrie Nichols LRC Administrative Regulations Office 702 Capitol Avenue Capitol Annex, Rm. 29 Frankfort, KY 40601

RE: 201 KAR 14:085. Sanitation requirements.

Dear Ms. Nichols:

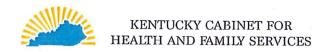
Pursuant to KRS 317.440(3), the Cabinet for Health and Family Services (CHFS) has reviewed the amendments to 201 KAR 14:085. CHFS has no concerns with the amendments and approves them to move forward.

Sincerely,

Eric C. Friedlander

Secretary

Cabinet for Health and Family Services

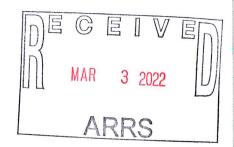




BOARD MEMBERS JASON D. CROCKETT FRANCIS L. SIMPSON SANDY M. STOVALL **JARON ALEXANDER** RYAN CORNELL

KENTUCKY BOARD OF BARBERING

312 Whittington Parkway Suite 110 Louisville, KY. 40222 (502) 429-7148



February 28, 2022

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

Barbering school enrollment and postgraduate requirements. Re: 201 KAR 14:105

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Sub Committee staff of the issues raised by 201 KAR 14:105, the Board of Barbering proposes the attached amendments to 201 KAR 14:105.

Sincerely,

Mason McNulty, Administrator **Kentucky Board of Barbering** 312 Whittington Parkway #110

Louisville, KY 40222

Final, 2-28-2022

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS Board of Barbering

201 KAR 14:105. Barbering school enrollment and postgraduate requirements.

RELATES TO: KRS 317.410, 317.440, 317.450

STATUTORY AUTHORITY: KRS 317.430, 317.440, 317.450

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.430(1) requires the Kentucky Board of Barbering to regulate barber schools and the teaching of barbering. KRS 317.440(1) requires the Kentucky Board of Barbering to promulgate administrative regulations governing applicants for barbering licenses. KRS 317.450(1)(b) requires the Kentucky Board of Barbering to ensure that a license to practice barbering shall be issued only if an applicant has acted as a licensed apprentice to a barber for at least six (6), but not more than nine (9) months. KRS 317.450(1)(a)3.[(3)] requires the Kentucky Board of Barbering to ensure that a licensed apprentice to a barber has graduated high school or possesses a General Educational Development (GED) certificate or equivalent. This administrative regulation establishes requirements for barbering school enrollment and postgraduate coursework.

Section 1. Enrollment Application. (1) Each student applicant shall complete and submit to the barbering school an Enrollment Application for Barber School, along with the required <u>student permit card</u> fee, <u>as established in 201 KAR 14:180, Section 5(4)</u>.

- (2) Each student applicant shall also submit to the barbering school:
- (a) A copy of the applicant's high school:
- 1. Certificate:
- 2. Diploma; or
- 3. Transcript; or
- (b) A copy of the applicant's General Educational Development (GED) certificate.
- (3) A prospective student shall not attend a barber school until the student has complied with subsections (1) and (2) of this section and the board has notified the school, pursuant to subsection (4)(c)2.a.[2a] of this section, that the board is in receipt of the completed and correct enrollment form and documentation.
 - (4)(a) The barbering school shall submit to the board the:
- 1. Student's enrollment application, the required student permit card fee, as established in 201 KAR 14:180, Section 5(4); and
 - 2. Documentation required by subsection (2) of this section.
- (b) The barbering school shall submit the material required by paragraph (a) of this subsection to the board by:
- 1. Scanning the application into an electronic format and emailing the application to the board:
 - 2. Fax:
 - 3. Post: or
 - 4. Hand delivery.
- (c)1. Upon the first business day that the board receives from the barbering school the material required by paragraph (a) of this subsection and the required <u>student</u> permit <u>card</u> fee, the board shall print, if the submission was in electronic format, and shall date stamp the material.

- 2.a. Within two (2) business days of receiving the documentation from the barbering school, the board shall contact the barbering school by phone, fax, or email to alert the school that the student is enrolled and may begin attending.
- b. The board shall follow up with an official letter, sent to the barbering school and the student applicant, which shall state the student's official enrollment eligibility date.
- Section 2. Postgraduate Requirements. (1) A barbering school shall enroll a student who requests postgraduate coursework if the student has complied with:
 - (a) Section 1 of this administrative regulation;
 - (b) 201 KAR Chapter 14; and
 - (c) KRS Chapter 317.
- (2) A barbering school shall not approve postgraduate course credits for less than 150 hours, except in accordance with 201 KAR 14:015 if the applicant has failed the licensing examination twice consecutively.
- Section 3. A person who is an owner of a barber school or who can make policy for the school shall not be enrolled in that barber school as a student.

Section 4. Incorporation by Reference. (1) "Enrollment Application for Barber School," *February 2022[August-2009]*, is incorporated by reference.

- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Barbering, 312 Whittington Parkway, Suite 110, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m.
- (3) This material is also available on the board's Web site at https://barbering.kv.gov/licensure/Pages/Forms.aspx.

CONTACT PERSON: Christopher D. Hunt, General Counsel, 312 Whittington Pkwy Suite 110, Louisville, Kentucky 40222, phone +1 (502) 782-0778, fax +1 (502) 324-6192, email chrisd.hunt@ky.gov.

MATERIAL INCORPORATED BY REFERENCE

The agency needs to update the "Enrollment Application for Barber School" to include the required student permit fee and needs to file with this staff suggested amendment:

One (1) clean copy of the updated form.



KENTUCKY BOARD OF BARBERING ENROLLMENT APPLICATION FOR BARBER SCHOOL

Please print legibly.

STUDENT PERMIT FEE (\$1	***************************************	PERMIT #		
		DA	TE ISSUED	
EDUCATIONAL QUALIFI	CATIONS: Attach prod	of of high school g	graduation or GED.	
FULL NAME OF APPLICAN	NT			
	LAST	FIRST	MIDDLE	
MAIDEN NAME				
HOME ADDRESS				
STREE	ET	CITY	ZIP	
D/O/B AGE	SEX			
S/S#	TELEPHONI	Ξ#		
EMAIL				
DATE SCHEDULED TO EN	ROLL			
NAME OF SCHOOL				
ADDRESS				
FULL-TIME	PART-TIME	NO. OF	HOURS	
DAY CLASS	EVENING CLASS	Action to the contract of the		
RE-ENROLLMENT	CROSS-OVER			
Applicant's Signature		School Rep	recentative	
Applicant's Signature		School Kep	1030IIIaiivo	

REV. 02/22



BOARD MEMBERS
JASON D. CROCKETT
FRANCIS L. SIMPSON
SANDY M. STOVALL
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KENTUCKY BOARD OF BARBERING

312 Whittington Parkway Suite 110 Louisville, KY. 40222 (502) 429-7148



February 28, 2022

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:

201 KAR 14:110

School equipment; plant layout.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Sub Committee staff of the issues raised by 201 KAR 14:110, the Board of Barbering proposes the attached amendments to 201 KAR 14:110.

Sincerely,

Mason McNulty, Administrator Kentucky Board of Barbering 312 Whittington Parkway #110

Louisville, KY 40222

Final, 2-25-2022

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS Board of Barbering

201 KAR 14:110. School equipment; plant layout.

RELATES TO: KRS 317.410, 317.440

STATUTORY AUTHORITY: KRS 317.430, 317.440

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(1)(b) requires the board to promulgate an administrative regulation regarding the quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops or schools. This administrative regulation establishes the barber school equipment and plant layout requirements.

- Section 1. Each barber school shall send the board a certificate from the zoning commission and a certificate from a licensed electrician or electrical firm showing the electrical equipment to be properly installed, properly grounded, and in safe operating condition.
- Section 2. Barber schools shall be completely equipped with standard tonics, dyes, tints, bleaches, shampoos, cosmetics, permanents, etc., all electrical devices and other equipment for the proper instruction of students, as well as with equipment and supplies for sanitation and hygiene.
- Section 3. Each barber school shall be located as entirely separate and without a connection to any beauty or barber shop or any other place of business.
- Section 4. A barber school shall not be approved by this board having a space less than six (6) feet square for each student enrolled therein.
- Section 5. All accredited barber schools shall have a suitable and separate room to be used for demonstration and study. The room shall have necessary charts and equipment to carry out the curriculum, including:
- (1) Sufficient charts, blackboards, and whiteboards, etc., to teach all subjects of barbering; and
- (2) Sufficient classroom chairs with armrests, or desks, that will enable the student to take notes.
- Section 6. Every barber school shall maintain a separate lavatory and toilet for male and female students.
- Section 7. All barber schools shall comply with city and state building codes and zoning commission codes. I; The board shall be notified upon any changes made to the physical layout of a school.
 - Section 8. Lockers, dressing rooms, and restrooms shall be provided.
- Section 9. Booths and partitions in the work department shall be sufficiently low to permit the observation of students while they are working.

Section 10. A school of barbering shall not be approved by the board having less than the following equipment:

(1)(a) Shampoo bowls with hot and cold running water to be located in the room where barbering is done; and

(b) One (1) shampoo bowl per every ten (10) students enrolled;

- (2) Dryers;[
- (3) Manicure tables;
- (4) A liquid sterilizer on each manicure table;]
- (3)[(5)] Hair cutting chair;
- (4)[(6)] Wall plates;
- (5)[(7)] Covered waste containers:
- (6)[(8)] Individual paper towels; and
- $\overline{(7)[(9)]}$ Containers for the use of students.

Section 11. (1) Each barbering school shall furnish a supply or dispensing room in which each student may obtain actual experience for a period of one (1) to three (3) weeks, as indicated by the course of instruction. The student will be directly responsible to the owner for any damage incurred due to the student's negligence or willful destruction while working in the supply or dispensing room.

(2) Supply or dispensing and sterilization room equipment required for a barbering school,

including:

(a) Supply of clean linens, neck cloths, etc.;

- (b) Lavatory for washing all combs, instruments, containers, etc.;
- (c) Bottles and containers in use shall be distinctly and correctly labeled;
- (d) Wet sterilizer;
- (e) Dry sterilizer;
- (f) Manicuring sterilizer;
- (g) Soap dispenser;
- (h) Covered waste container;
- (i) Cabinet for supply of clean linens;
- (i) Covered containers for soiled linens;
- (k) Cabinets for accessories;
- (I) Paper towel dispenser or clean towel cabinet for every two (2) stations;
- (m) Manicuring cups for preparation of solution from stock supplies; and
- (n) Various solutions and preparations used.

Section 12. A barbering school licensed by the board prior to the effective date of this administrative regulation shall not be required to comply with the requirements of Sections 10(1)(a), 10(1)(b), and 11(2)(l) of this administrative regulation.

CONTACT PERSON: Christopher D. Hunt, General Counsel, 312 Whittington Pkwy Suite 110, Louisville, Kentucky 40222, phone +1 (502) 782-0778, fax +1 (502) 324-6192, email chrisd.hunt@ky.gov.



BOARD MEMBERS JASON D. CROCKETT FRANCIS L. SIMPSON SANDY M. STOVALL JARON ALEXANDER RYAN CORNELL

KENTUCKY BOARD OF BARBERING

312 Whittington Parkway Suite 110 Louisville, KY. 40222 (502) 429-7148



February 28, 2022

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: 201 KAR 14:115

Examinations; school and board.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Sub Committee staff of the issues raised by 201 KAR 14:115, the Board of Barbering proposes the attached amendments to 201 KAR 14:115.

Sincerely,

Mason McNulty, Administrator Kentucky Board of Barbering 312 Whittington Parkway #110

Louisville, KY 40222

Final, 2-28-2022

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS Board of Barbering

201 KAR 14:115. Examinations; school and board.

RELATES TO: KRS 317.410, 317.440 STATUTORY AUTHORITY: KRS 317.440

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(1) [f][(e)] requires the board to promulgate an administrative regulation to establish examination requirements. This administrative regulation establishes examination applications, deadlines, and sets forth scores for passing.

Section 1. (1)(a) The requirements in this administrative regulation shall apply to all examinations given by the board, unless stated otherwise.

- (b) An apprentice[A probationary] license shall be required to take the barber's examination.
- (c) A barber's license shall be required to take the instructor's examination.
- (2) A student from a barber school shall not take any of the board's examinations:
- (a) Without proof of a high school diploma, transcript, or GED certificate; and
- (b) Unless the <u>Apprentice Barber</u> Application for Examination, <u>or Instructor's Application for Examination</u> has reached the board's head-quarters <u>on the deadline date published by the board on its Web site at https://barbering.ky.gov/bdinfo/Pages/default.aspx[at least seven (7) days prior to the date of the examination].</u>
- (3)(a) An applicant for a board examination shall complete the appropriate <u>notarized</u> application form <u>by submitting either the Apprentice Barber Application for Examination, Barber's Application for Examination, or Instructor's Application for Examination, incorporated by reference in this administrative regulation.</u>
 - (b) The applicant shall submit with the examination application:
 - 1. The examination fee as required by 201 KAR 14:180, Section 2; and
 - 2. A two (2) inch by two (2) inch passport photo.
- (4) The deadline for applications is at noon (Eastern time) on the deadline date published by the board. Applications received after the deadline will have examinations[noon (Eastern time) shall not be] scheduled for the applicants for[until] the following month.

Section 2. The board's examination shall be given only to students who:

- (1) Have been notified to appear for the examination;
- (2) Are wearing a clean, washable uniform; and
- (3) Have instruments to be used in the giving of their demonstrations.

Section 3. The board's examination shall include:

- (1) A written examination that covers all subjects set forth in the administrative regulations relating to barbers, 201 KAR Chapter 14; and
 - (2) A practical demonstration on a living model.

Section 4. An applicant shall pass each portion, practice and theory, of the <u>apprentice[probationary]</u> examination with a seventy-five (75) percent passing grade on the board's examination.

Section 5. An applicant for an instructor's license shall score a general average of eighty (80) percent on the board's examination.

Section 6. A student who works in a barber shop prior to passing the <u>apprentice[probationary]</u> examination given by the board shall not be allowed to take the <u>apprentice[probationary]</u> examination until first:

(1) Paying a fine, as defined in KRS 317.590, in keeping with the seriousness of the violation

and the facts of the case; and

(2) Meeting all the requirements of KRS Chapter 317 and 201 KAR Chapter 14.

Section 7. The examination schedule shall be conspicuously displayed on a bulletin board provided by the school.

Section 8. Written and oral tests shall be given at intervals by a school to determine the status of the student.

Section 9. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Apprentice[Probationary] <u>Barber[Barber's]</u> Application for Examination," <u>February</u> 2022[10/18][6/13];
 - (b) "Barber's Application for Examination," February 2022[4/19][6/13]; and

(c) "Instructor's Application for Examination," February 2022[7/21][10/13].

- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Barbering, 312 Whittington Pkwy. Suite 110[9114 Leesgate Road, Suite 6], Louisville, Kentucky 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m.
- (3) This material is also available on the board's Web site at https://barbering.ky.gov/bdinfo/Pages/default.aspx.

CONTACT PERSON: Christopher D. Hunt, General Counsel, 312 Whittington Pkwy Suite 110, Louisville, Kentucky 40222, phone +1 (502) 782-0778, fax +1 (502) 324-6192, email chrisd.hunt@ky.gov.

MATERIAL INCORPORATED BY REFERENCE

The agency needs to file <u>one (1) clean copy</u> of the <u>"Apprentice Barber Application for Examination"</u>, <u>"Barber's Application for Examination"</u>, and <u>"Instructor's Application for Examination"</u> that includes the following changes:

- Updated edition dates of February 2022 on all the forms
- Updated deadline date revisions for consistency with the changes made in this administrative regulation
- <u>"Instructor's Application for Examination"</u> to change the examination fee from \$250 to \$300 as being \$100 per examination, for written, oral, and practical

APPRENTICE BARBER APPLICATION FOR EXAMINATION

Applicant must sign full name. The applicant is required to answer the following questions; to make no changes in the printed form; to write distinctly with ink; to forward two hundred (\$200) dollar fee by Money Order or Cashier's Check payable to the Kentucky Board of Barbering, said fee to accompany the application in all cases. One recent 2" x 2" Passport Photo should be attached to this application. (Checks are NOT accepted as payment for Exam Fee.)

NO REFUND OF FEE WILL BE MADE

THE DEADLINE FOR APPLICATION IS AT NOON (EASTERN TIME) ON THE DEADLINE DATE PUBLISHED BY THE BOARD ON THE WEBSITE AT BARBERING.KY.GOV Applications must be sent to the following address: KENTUCKY BOARD OF BARBERING, 312 WHITTINGTON PARKWAY, SUITE 110, LOUISVILLE, KY 40222.

Full Name		Date of E	3irth	
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City & State	Zip	County	Telephone()
Email Address				
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		School		
locatedAddress		City/State		Zip Code
I passed my student examination on the _		day of		, 20
Date of Diploma	Date Verifie	d	by	
Signed			Applicant	
(Give full name, use no ini		d in Front of Notary)		

		D BY NOTARY PUBI	<u>LIC</u>	
STATE OF KENTUCKY		COUNTY		
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BARBER'S APPLICATION FOR EXAMINATION

Applicant must sign full name. The applicant is required to answer the following questions; to make no changes in the printed form; to write distinctly with ink; to forward two hundred (\$200) dollar fee by Money Order or Certified Check, payable to the Kentucky Board of Barbering, said fee to accompany the application in all cases. One passport photo, no larger than 2 X 2 inches should be attached to this application. (Checks are not accepted as payment for Exam Fees.)

NO REFUND OF FEE WILL BE MADE

THE DEADLINE FOR APPLICATIONS IS AT NOON (EASTERN TIME) ON THE DEADLINE DATE PUBLISHED BY THE BOARD ON THE WEBSITE AT: BARBERING.KY.GOV. APPLICATIONS MUST BE SENT TO THE FOLLOWING ADDRESS: KENTUCKY BOARD OF BARBERING, 312 WHITTINGTON PKWY, SUITE 110, LOUISVILLE, KY 40222.

1. Full Name		Date of Bir	th	
Social Security #		Maiden Name		
2. Address of Residence				
City & State	Zip	County	Telephone()	
•	•	·		
Email Address Give name and address of barber school				
Dates attended barber school-Started		Gradue	ited	,20
	Signed(Give	e full name, use no initials	and Signed in Front of I	Applican Notary)
**********	****	*******	******	******
	TO BE COMPLE	TED BY NOTARY PUBLI	<u>C</u>	
COMMONWEALTH OF KENTUCKY				
COUNTY				
Before me personally appeared				
whose signature and photograph are attache	d to this application,	and made oath and said that a	Il of the foregoing statement	nts are true and correct
Sworn and Subscribed to me this	day of		A.D.,20_	
Notary Public, in and for		County, State of		•
Attach Current Photo Here (2 x 2 inc	ch passport photo)	Notary Public	My Com	nmission Expires
		·		
The above photo of myself was take	en on or			
about theday of				
20,				
· · · · · · · · · · · · · · · · · · ·				
(Signature of Applicant)				
(Signature of Applicant)		For Office Use Onl	yIdentification No	

Since obtaining my Apprentice Barber License, I have worked at the locations listed below. I certify that I ____ have worked as an apprentice barber, in the following _____from, Month Barber Shop _ __ Day __Year ___ To Month ____ (Start Date) Day Year
(Date last worked or Year Signature ___ today's date if presently employed) I certify that I have worked as an apprentice barber, in the following _____ from, Month Barber Shop _ Day ___Year____ To Month ___ _ Day _ _Year_ (Start Date) (Date last worked or Signature _ today's date if presently employed) Date_ have worked as an apprentice barber, in the following from, Month ____ Day ____ Year_ (Date last worked or Year To Month __ Day_ Year (Start Date) today's date if presently employed) I certify that I _have worked as an apprentice barber, in the following from, Month Barber Shop ___ ___ Day ____ Year____ To Month ___ (Start Date) _Day_ (Date last worked or Signature _ today's date if presently employed) Date have worked as an apprentice barber, in the following from, Month Barber Shop Day _ ___Year___ To Month __ Day (Start Date) (Date last worked or Signature ___ today's date if presently employed) Date I certify that I have worked as an apprentice barber, in the following from, Month Barber Shop ___ Day_ _Year___ To Month _ _ Day _ (Start Date) (Date last worked or Signature ____ today's date if presently employed)

INSTRUCTOR'S APPLICATION FOR EXAMINATION

	Written	\$100
	Oral	\$100
	Practical	\$100

I hereby make application for examination and a license authorizing me to instruct or teach Barbering in Kentucky as provided in KRS 317.450. NOTE: The applicant is required to answer the following questions and forward the required fee of one hundred (\$100.00) dollars per examination by Money Order or Cashier's Check payable to the Kentucky State Treasurer or Kentucky Board of Barbering.

NO REFUND OF FEE WILL BE MADE				
THE DEADLINE FOR APPLICATION IS AT NOON (EABOARD ON THE WEBSITE AT: BARBERING.KY.GOV. AKENTUCKY BOARD OF BARBERING 312 WHITTINGTO	APPLICATIONS MUST BE SEN	T TO THE FOLLOWING ADDRESS:		
NAME	Addressed to the second	AGE		
ADDRESS	TELE	TELEPHONE		
CITY				
EMAIL ADDRESS				
I have completed my 400 hours of student instruinstructed at the school(s) location listed below:	ction prior to the filing on	this application, having		
Name of School Address	Date Started	Date Completed Hours		
*************	full name, use no initials and Si ********** TED BY NOTARY PUBLIC	Applicant gned in Front of Notary) *********************		
whose signature and photograph are affixed to this applicacorrect.				
SUBSCRIBED AND SWORN TO THIS	DAY OF	, 20		
NOTARY PUBLIC in and for	County, State of			
My Commission Expires:	*******	TARY PUBLIC **************		
Attach Passport photo here. The above photograph was taken on				
or about theday of				

Rev. 2/22

License Number



BOARD MEMBERS
JASON D. CROCKETT
FRANCIS L. SIMPSON
SANDY M. STOVALL
JARON ALEXANDER
RYAN CORNELL

KENTUCKY BOARD OF BARBERING

312 Whittington Parkway Suite 110 Louisville, KY. 40222 (502) 429-7148



February 28, 2022

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: 201 KAR 14:125 Teachers' and instructors' requirements.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Sub Committee staff of the issues raised by 201 KAR 14:125, the Board of Barbering proposes the attached amendments to 201 KAR 14:125.

Sincerely,

Mason McNulty, Administrator Kentucky Board of Barbering 312 Whittington Parkway #110 Louisville, KY 40222

Final, 2-25-2022

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS Board of Barbering

201 KAR 14:125. Instructor[Teacher] requirements.

RELATES TO: KRS 317.440, 317.450

STATUTORY AUTHORITY: KRS 317.440, 317.450[(4),] (7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(1)(c) requires the board to promulgate an administrative regulation regarding the qualifications of <u>instructors[teachers]</u> of barbering. This administrative regulation establishes rules for school faculty and establishes conditions for unlicensed instructor *students[student]*[teachers.]

Section 1. (1) An instructor student[A teacher] shall achieve a passing score on the written instructor[teacher's] examination.

(2) A passing score shall be a minimum score of eighty (80) percent on the written examination required under subsection (1) of this section, and the oral and practical examinations required under Section 2(1)(b) and (c) of this administrative regulation.

Section 2. (1) An instructor student[A teacher] shall satisfy the following before the second renewal date as established in KRS 317.450(9)[(7)](a):

- (a) Complete 400[twelve (12) months and 600] hours of instructional experience in a barber school licensed by the board, under the supervision of a board-licensed instructor[teacher] with a minimum of three (3) years of experience;
- (b) Achieve a passing score on the oral <u>instructor[teacher's]</u> examination required by the board; and
- (c) Achieve a passing score on the practical <u>instructor</u>[teacher's] examination required by the board.
- (2) An instructor student[A teacher] may request a one (1) time extension of time to complete the requirements of subsection (1) of this section. The extension may be granted by the board to the next renewal date. An extension of time request shall be filed, in writing, with the board no later than July 31 following the second renewal date.
- (3) A teaching license shall not be renewed if <u>an instructor student[a teacher]</u> fails to achieve a passing score on the oral <u>instructor[teacher's]</u> examination and practical <u>instructor[teacher's]</u> examination by the second renewal period or upon the expiration of the extension of time.
- (4) An individual whose teaching license is not renewed for failing to achieve a passing score on the oral <u>instructor[teacher's]</u> examination and practical <u>instructor[teacher's]</u> examination within the time period set out in subsection (3) of this section may reapply for <u>an instructor[a teaching]</u> license only after achieving a passing score on the oral <u>instructor[teacher's]</u> examination and practical instructor[teacher's] examination.
- Section 3. (1) An instructor[A teacher] shall be present in the classroom of a school during the one (1) hour of classroom instruction required, and in the study of a school during study hours for the practical learning aspects, and will be required to supervise all practice student work.
- (2) <u>An instructor</u>[A] student shall be under the face-to-face, direct supervision of <u>an instructor</u>[a teacher] while providing services to a client.

- Section 4. A licensed barber shall not render services in a school, and <u>an instructor student[a teacher]</u> shall render services only incident to and for the purpose of instruction.
- Section 5. Both instructor and instructor student[A teacher] in an accredited school shall devote his or her entire time during school or class hours to that of instructing the students and shall not apply his or her time to that of private or public practice for compensation during school hours or permit students to instruct or teach other students in the absence of an instructor or instructor student[a teacher].
- Section 6. A properly qualified, licensed barber may demonstrate to the students new processes, new preparations, and new appliances in the presence of a licensed <u>instructor[teacher]</u>. A school shall not permit more than four (4) such demonstrations in any calendar year.
- Section 7. All services rendered in a school on patrons shall be done by students only. An instructor[A teacher] shall be allowed to teach and aid [the] students in performing the various services. An instructor student or instructor[A teacher] may finish up the patrons after the students have completed their work.
- Section 8. An instructor student and instructor[A teacher] in attendance shall wear a clean, washable outer garment such as a coat or smock.
- Section 9. A school shall require <u>an instructor student and instructor[a teacher]</u> to wear an insignia or badge indicating that he or she is <u>an instructor[a teacher]</u>.
- Section 10. An instructor student[A teacher] who has not completed 400[twelve (12) months and 600] hours of instructional experience in a barber school licensed by the board under the supervision of a board-licensed instructor[teacher] with a minimum of three (3) years of experience shall document the hours of instructional experience. The documentation shall include the specific dates, times during the day, and the subject matter being instructed. The instructional experience documentation shall be signed by the teacher obtaining the instructional experience, the owner of the barber school where the instructional experience was obtained, and the board-licensed instructor[teacher] with a minimum of three (3) years of experience. This documentation shall be filed with the board prior to taking the examinations required under Section 2(1)(b) and (c) of this administrative regulation.
- Section 11. The <u>instructor student[teacher]</u> obtaining the <u>400 hours[600 hours]</u> of instructional experience and the board-licensed <u>instructor[teacher]</u> with a minimum of three (3) years of experience shall notify the board, in writing, of the mentoring and the notification to the board shall be signed by both[teachers]. The notification shall be submitted prior to the beginning [ef the twelve (12) months and 600 hours] of instructional experience.
- Section 12. <u>An instructor[A teacher]</u> with a minimum of three (3) years of experience shall not mentor more than two (2) <u>apprentice instructors[teachers]</u> who have not satisfied Section 2(1)(b) and (c) of this administrative regulation.
- Section 13. An instructor[A teacher] who is licensed by the board prior to the effective date of this administrative regulation is exempted from the requirements of Section 1 and Section 2(1)(b) and (c) of this administrative regulation.
- Section 14. An instructor student[A teacher] in a school shall post[hold] both a barber and barber instructor[teacher's] license issued by the board.[

Section 15. A teacher who has not satisfied the requirements of Section 2(1) of this administrative regulation shall not be considered a teacher for purposes of KRS 317.540(5).]

CONTACT PERSON: Christopher D. Hunt, General Counsel, 312 Whittington Pkwy Suite 110, Louisville, Kentucky 40222, phone +1 (502) 782-0778, fax +1 (502) 324-6192, email chrisd.hunt@ky.gov.



BOARD MEMBERS JASON D. CROCKETT FRANCIS L. SIMPSON SANDY M. STOVALL JARON ALEXANDER RYAN CORNELL

KENTUCKY BOARD OF BARBERING

312 Whittington Parkway Suite 110 Louisville, KY. 40222 (502) 429-7148



February 28, 2022

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: 201 KAR 14:150

School records.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Sub Committee staff of the issues raised by 201 KAR 14:150, the Board of Barbering proposes the attached amendments to 201 KAR 14:150.

Sincerely,

Mason McNulty, Administrator Kentucky Board of Barbering 312 Whittington Parkway #110

Louisville, KY 40222

Final, 2-25-2022

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS Board of Barbering

201 KAR 14:150. School records.

RELATES TO: KRS 317.410, 317.450, 317.540

STATUTORY AUTHORITY: KRS 317.430, 317.440(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(1)(b) requires the Kentucky Board of Barbering to promulgate administrative regulations to govern quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops or schools. This administrative regulation establishes requirements for school records.

Section 1. A monthly attendance record of the entire enrollment, including full-time and part-time students and <u>instructors[teachers]</u>, shall be kept by the schools and received at the board office not later than the tenth calendar day of each month, and *this attendance record* shall not be amended after the last day of the month <u>received</u>.

(1) A barber school shall be held fully responsible for the completeness and accuracy of the attendance record, which shall show the total hours obtained for the previous month and the total accumulated hours to date for all students and <u>instructors [teachers.]</u>

(2)(a) Only the hours recorded shall be submitted each month.

(b) The report shall not be:

1. Amended without proof of error; or

2. Changed after the last day of the month it was reported.

(c) The report[, and] shall be available for inspection[, and shall not be changed after the last day of the month it was reported].

(3) A copy of the student's daily attendance record for the month of graduation through the date of a student's graduation shall be submitted with the student's certification of hours as part of the application for examination upon completion of the course.

Section 2. A copy of the monthly attendance record, as provided to the board office, shall be posted monthly on a bulletin board in the school so it is available at all times to the students, employees, board members, or agents of the board.

Section 3. (1) Barber schools shall be required to keep a record of a student's daily work, approved and signed by the <u>instructor[teacher]</u> of each student's practical work, work performed on clinic patrons, and classroom work.

(2) This record shall be available for inspection and shall be included:

- (a) With the student's certification of hours and application for examination, upon completion of the course; or
 - (b) With the certification of hours:
 - 1. If a student withdraws or is dismissed from school; or
 - 2. Upon the closure of a school.

Section 4. (1) A detailed record shall be kept of all enrollments, withdrawals, dismissals, and graduations.

(2) Certification of hours completed, including a copy of the student's daily attendance record for the month of graduation through the date of a student's graduation, shall be forwarded with

all records of a student's daily work, to the office of the board within ten (10) calendar days of a student's withdrawal, dismissal, graduation, or closure of the barber school. Completed course hours provided to the board office shall be accurate and shall be recorded in the student's file.

(3) Completed course hours submitted to the board shall be transferable to another barbering

school for no more than five (5) years.

(4) Records filed with the board shall be maintained for five (5) years, then destroyed in accordance with the board's retention schedule on file with the State Archives and Records Commission.

Section 5. (1) All records shall be kept in a lockable file on the premises of the school and shall be available for inspection.

(2) The security of all records shall be the responsibility of the school.

(3) Records shall be locked if not in use or during nonbusiness hours.

Section 6. A school shall immediately produce a copy of any record maintained under this administrative regulation when requested by the board during hours when the school is scheduled to be open and providing services. If the request is made during hours when the school is closed and not providing services, the school shall produce a copy of any record maintained under this administrative regulation within two (2) hours of the next normal day of business.

CONTACT PERSON: Christopher D. Hunt, General Counsel, 312 Whittington Pkwy Suite 110, Louisville, Kentucky 40222, phone +1 (502) 782-0778, fax +1 (502) 324-6192, email chrisd.hunt@ky.gov.



BOARD MEMBERS JASON D. CROCKETT FRANCIS L. SIMPSON SANDY M. STOVALL JARON ALEXANDER RYAN CORNELL

KENTUCKY BOARD OF BARBERING

312 Whittington Parkway Suite 110 Louisville, KY. 40222 (502) 429-7148



February 28, 2022

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: 201 KAR 14:180

License fees, examination fees, renewal fees, and expiration fees.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Sub Committee staff of the issues raised by 201 KAR 14:180, the Board of Barbering proposes the attached amendments to 201 KAR 14:180.

Sincerely,

Mason McNulty, Administrator Kentucky Board of Barbering 312 Whittington Parkway #110

Louisville, KY 40222

Final, 2-25-2022

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS Board of Barbering

201 KAR 14:180. Fees.

RELATES TO: KRS 317.450

STATUTORY AUTHORITY: KRS 317.440(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(2) requires the Board of Barbering to establish fees by administrative regulation. This administrative regulation establishes fees for examinations, permits, and licenses issued by the board.

Section 1. Initial licensing fees shall be as follows:

- (1) Apprentice license: fifty (50) dollars;
- (2) Barber license: fifty (50) dollars;
- (3) Barber school license: \$500:
- (4) Barber shop license: \$100;
- (5) Endorsement: \$250;
- (6) Instructor[Teacher] of barbering license: \$100; and
- (7) Independent contract owner: fifty (50) dollars.

Section 2. Examination fees shall be as follows:

- (1) Apprentice examination \$200;
- (2) Barber examination: \$200; and
- (3) Instructor[Teacher] of barbering examination: \$100 per section (three (3) sections)[\$250].

Section 3. Renewal fees shall be as follows:

- (1) Barber: fifty (50) dollars:
- (2) Instructor[Teacher] of barbering: \$100;
- (3) Barber shop: fifty (50) dollars;
- (4) Barber school: \$200; and
- (5) Independent contract owner: fifty (50) dollars.

Section 4. The fee for renewal of a license that has been expired for five (5) years or less shall be the lapse fee defined in KRS 317.410(9) in addition to the late fee set forth below:

- (1) Barber fee: twenty-five (25) dollars;
- (2) Instructor[Teacher] of barbering fee: fifty (50) dollars[\$100];
- (3) Barber shop fee: twenty-five (25) dollars;
- (4) Barber school fee \$100; and
- (5) Independent contract owner: twenty-five (25) dollars.

Section 5. Miscellaneous fees shall be as follows:

- (1) Duplicate license: ten (10) dollars;
- (2) Certification of license: fifty (50) dollars; [and]
- (3) Demonstration permit: \$100; [and]
- (4) Student permit card: fifteen (15) dollars; and
- (5) Instructor student permit card: \$100.

Section 6. All fees received by the Kentucky Board of Barbering shall be non-refundable.

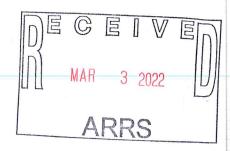
Section 7. If a license or permit is lost, destroyed, or stolen after issuance, a duplicate license may be issued. The applicant shall submit <u>a duplicate license fee</u> to the board <u>with</u> a Duplicate License Request form to verify the loss of the license or permit. Each duplicate license or permit shall be marked "duplicate."

Section 8. Incorporation by Reference. (1) **[The]** "Duplicate License Request", May 2018, is incorporated by reference.

- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Barbering, 312 Whittington Parkway, Suite 110, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 pm.
- (3) This material is also available on the board's Web site at https://barbering.ky.gov/licensure/Pages/Forms.aspx.

CONTACT PERSON: Christopher D. Hunt, General Counsel, 312 Whittington Pkwy Suite 110, Louisville, Kentucky 40222, phone +1 (502) 782-0778, fax +1 (502) 324-6192, email chrisd.hunt@ky.gov.





Andy Beshear Governor

P.O. Box 1360 Frankfort, Kentucky 40602 Phone (502) 782-8812 Fax (502) 564-4818 http://psy.ky.gov

March 3, 2022

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: 201 KAR 26:115, Definition of psychological testing.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 26:115, the Kentucky Board of Examiners of Psychology proposes the attached amendment to 201 KAR 26:115.

Sincerely,

Kevin R. Winstead, Commissioner
Department of Professional Licensing
(Contact person for this regulation)
On behalf of: Kentucky Board of Examiners of Psychology
P. O. Box 1360, Frankfort, Kentucky 40602
KevinR.Winstead@ky.gov
Office: 502-782-8805



Final Version 2/23/2022 BOARDS AND COMMISSIONS KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY

201 KAR 26:115. Definition of psychological testing.

Page 1 Section 2 Line 18

After "version or reformulation", insert "of the following".

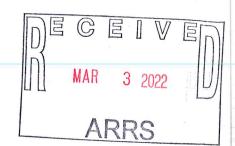
Page 2 Section 3 Line 18

After "described as", delete the quotation marks from "psychological testing".

Page 3 Section 3(3) Line 8

After "described as", delete the quotation marks from "psychological testing".





Andy Beshear Governor

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March 3, 2022

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: 201 KAR 26:125, Health service provider designation.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 26:125, the Kentucky Board of Examiners of Psychology proposes the attached amendment to 201 KAR 26:125.

Sincerely,

Kevin R. Winstead, Commissioner
Department of Professional Licensing
(Contact person for this regulation)
On behalf of: Kentucky Board of Examiners of Psychology
P. O. Box 1360, Frankfort, Kentucky 40602
KevinR. Winstead@ky.gov
Office: 502-782-8805



Final Version 2/23/2022 BOARDS AND COMMISSIONS KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY

201 KAR 26:125. Health service provider designation.

Page 1 NECESSITY, FUNCTION, AND CONFORMITY paragraph Line 8

Delete the quotations from "health service provider".

Page 1 Section 1(1) Lines 12 and 16-17

After "The designation", insert "of".

Delete the quotations from "health service provider".

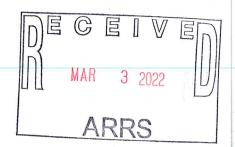
After "health care services", insert ",".

Page 1 Section 1(2)(a) Line 19

After "the designation", insert "of".

Delete the quotations from "health service provider".





Andy Beshear Governor

P.O. Box 1360 Frankfort, Kentucky 40602 Phone (502) 782-8812 Fax (502) 564-4818 http://psy.ky.gov

March 3, 2022

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: 201 KAR 26:130, Grievances and administrative complaints.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 26:130, the Kentucky Board of Examiners of Psychology proposes the attached amendment to 201 KAR 26:130.

Sincerely,

Kevin R. Winstead, Commissioner
Department of Professional Licensing
(Contact person for this regulation)
On behalf of: Kentucky Board of Examiners of Psychology
P. O. Box 1360, Frankfort, Kentucky 40602
KevinR.Winstead@ky.gov
Office: 502-782-8805



Staff-suggested Amendment Final Version 2/23/2022

BOARDS AND COMMISSIONS KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY

201 KAR 26:130. Grievances and administrative complaints.

Line 20

After "by deposition", delete "in order".

```
Page 1
NECESSITY, FUNCTION, AND CONFORMITY paragraph
Line 17
       After "misconduct by a", insert "license".
       Delete "licensed".
Page 2
Section 1(4)
Line 9
       After "misconduct by a", insert "license".
       Delete "licensed".
Page 4
Section 2(6)(b)1.
Lines 9, 10, and 11
       After "practice of psychology", insert "or".
       Delete ";".
       After "prima facie violation", insert ". If".
       Delete ",".
       After "complaint screening committee", insert the following:
               recommends dismissal, and the board approves, the complaint screening
       committee
Page 7
Section 5(2)
```





Andy Beshear Governor

P.O. Box 1360 Frankfort, Kentucky 40602 Phone (502) 782-8812 Fax (502) 564-4818 http://psy.ky.gov

March 3, 2022

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: 201 KAR 26:155, Licensed psychologist: application procedures and temporary license.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 26:155, the Kentucky Board of Examiners of Psychology proposes the attached amendment to 201 KAR 26:155.

Sincerely,

Kevin R. Winstead, Commissioner
Department of Professional Licensing
(Contact person for this regulation)
On behalf of: Kentucky Board of Examiners of Psychology
P. O. Box 1360, Frankfort, Kentucky 40602
KevinR.Winstead@ky.gov

cc: Stacy Auterson



Office: 502-782-8805

Final Version 2/23/2022 BOARDS AND COMMISSIONS KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY

201 KAR 26:155. Licensed psychologist: application procedures and temporary license.

Page 1
NECESSITY, FUNCTION, AND CONFORMITY paragraph
Line 10

After "applicants for licensure", delete ",".



MAR 3 2022

Andy Beshear Governor

P.O. Box 1360 Frankfort, Kentucky 40602 Phone (502) 782-8812 Fax (502) 564-4818 http://psy.ky.gov

March 3, 2022

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: 201 KAR 26:160, Fee schedule.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 26:160, the Kentucky Board of Examiners of Psychology proposes the attached amendment to 201 KAR 26:160.

Sincerely,

Kevin R. Winstead, Commissioner
Department of Professional Licensing
(Contact person for this regulation)
On behalf of: Kentucky Board of Examiners of Psychology
P. O. Box 1360, Frankfort, Kentucky 40602
KevinR.Winstead@ky.gov
Office: 502-782-8805



Final Version 2/23/2022 BOARDS AND COMMISSIONS KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY

201 KAR 26:160. Fee schedule.



DECEIVED

MAR 3 2022

ARRS

Andy Beshear Governor

P.O. Box 1360 Frankfort, Kentucky 40602 Phone (502) 782-8812 Fax (502) 564-4818 http://psy.ky.gov

March 3, 2022

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: 201 KAR 26:190, Requirements for supervised professional experience.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 26:190, the Kentucky Board of Examiners of Psychology proposes the attached amendment to 201 KAR 26:190.

Sincerely,

Kevin R. Winstead, Commissioner
Department of Professional Licensing
(Contact person for this regulation)
On behalf of: Kentucky Board of Examiners of Psychology
P. O. Box 1360, Frankfort, Kentucky 40602
KevinR.Winstead@ky.gov
Office: 502-782-8805



Subcommittee Substitute

BOARDS AND COMMISSIONS Board of Examiners of Psychology (As Amended at ARRS)

201 KAR 26:190. Requirements for supervised professional experience.

RELATES TO: KRS 319.050, 319.053, 319.056, 319.064 STATUTORY AUTHORITY: KRS 319.032, 319.050(2)(d)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) and (1)(l) require the Board of Examiners of Psychology to promulgate administrative regulations to establish requirements for licensure and supervision. This administrative regulation establishes requirements for supervised professional experience.

Section 1. Supervisory Requirements for an Applicant for Licensure as a Psychologist. (1) The applicant for licensure as a psychologist with the authorization to provide psychological health care services shall have completed a minimum of 3,600 hours of supervised professional experience in accordance with this administrative regulation.

- (2) A minimum of 1,800 hours of the supervised professional experience shall be a <u>predoctoral[pre-doctoral]</u> internship of 1,800 hours with at least 100 hours of supervisory sessions.
- (3) The remaining 1,800 hours of supervised <u>professional</u> experience shall be <u>predoctoral[predoctoral]</u>, postdoctoral, or a combination of pre- and post-doctoral supervised professional experience acceptable to the board based upon the requirements of Sections 2 and 3 of this administrative regulation.
- (4) Supervised <u>professional</u> experience <u>at the pre-internship level</u> shall consist of practica, field placement, or other professional experiences, <u>all of which **shall [must]** take place in an identifiable clinical setting with mental health clients[not including the beginning courses and accompanying practica in assessment and treatment techniques].</u>
- (5) At least fifty (50) percent of the supervised <u>professional</u> experience shall be in service-related activities, such as treatment, assessment, interviews, report-writing, case presentations, and consultations.

Section 2. For a person applying for licensure as a psychologist, the <u>predoctoral[pre-doctoral]</u> internship shall meet the following criteria:

- (1) The experience shall occur within an organized training program, in contrast to supervised <u>professional</u> experience or on-the-job training and have a planned, programmed sequence of training experiences;
- (2) *For clinical and counseling psychology doctoral internships,* the training program shall have a clearly designated staff psychologist who shall be:
 - (a) Responsible for the integrity and quality of the training program;
 - (b) Actively licensed by the Board of Examiners in Psychology; or
- (c) Licensed at the doctoral level by the State Board of Examiners in the state in which the training program exists or otherwise meets the standards of applicable state law.[; and]

(3)[(4)] For school psychology doctoral internships, the responsible psychologist director may be from an affiliate agency or from the university training program <u>and shall retain</u> responsibility for the integrity and quality of the training program:[-]

(4)[(3)] Internship supervision shall be provided by a staff member of the internship agency or by an affiliate of that agency who has clinical responsibility for the cases being supervised. At least half of the internship supervision shall be provided by one (1) or more psychologists with an appropriate doctorate degree;

(5)[(4)] The internship shall provide training in a range of assessment and treatment activities conducted directly with clients seeking psychological services;

(6)[(5)] At least twenty-five (25) percent of the trainee's time shall be in direct client contact;

(7)[(6)] The internship shall include a minimum of two (2) hours per week of regularly scheduled, formal, face-to-face individual supervision. There shall also be at least two (2) additional hours per week in learning activities such as case conferences, seminars dealing with clinical issues, and group supervision;

(8)[(7)] Training shall be post-clerkship, post-practicum, and post-externship level;

(9)[(8)] The internship shall have a written statement or brochure that:

- (a) 1. Describes the goals and content of the internship; and
- 2. States clear expectations for quality and quantity of the trainee's work; and
- (b) Shall be made available to prospective interns.

(10)[(9)] The internship experience shall be completed within twenty-four (24) months <u>unless</u> an extension is approved by the board for extreme extenuating circumstances such as illness, disability, or pregnancy;

(11)[(10)] The trainee shall have a title such as ["]intern["], ["]resident,["] ["]fellow,["] or other designation of trainee status; and

(12)[(11)] The internship agency, preparing institution, and intern shall have a written agreement that describes the goals and content of the internship including clearly stated expectations for the nature of experiences offered in the agency and for the quantity and quality of the work.

Section 3. Additional Required Supervisory Experience. (1) For a person applying for licensure as a psychologist to provide psychological health care services, the 1,800 hours of supervised professional experience, in addition to the internship required by KRS 319.050(2)(d), shall be a training-oriented professional experience that:

- (a) May include course-related field experience and practica; and
- (b) <u>Shall take place in an identifiable clinical setting with mental health clients</u>[Shall not include the beginning courses and practica in assessment and treatment techniques].
- (2) In addition to training in a range of diagnostic and treatment activities conducted directly with clients seeking psychological services, the supervised professional experience shall consist of a planned and organized sequence of activities that includes explicit training and supervision in the following areas:
 - (a) Clinical skill development;
 - (b) Legal and regulatory issues;
 - (c) Ethical dilemmas and issues; and
 - (d) Supervisory skill development.

- (3) During the 1,800 hours of supervised professional experience in addition to the <u>predoctoral</u> internship, the candidate shall:
 - (a) Be under supervision as required by 201 KAR 26:171; and
- (b) Be providing psychological health care services under the supervision of a licensed psychologist or other licensed mental health professional approved by the doctoral training program who is affiliated with the training program or with the practice setting in a:
 - 1. Health care facility or agency;
 - 2. Regional mental health or mental retardation board;
 - 3. School, college, or university;
 - 4. Government agency;
 - 5. Independent practice; or
 - 6. Formalized postdoctoral[internship] program.
- (4) The applicant and the supervisor of record shall design and describe the proposed experience, including the areas listed in subsection (2) of this section.
- (5) If the supervised professional experience in addition to the <u>predoctoral</u> internship is in an independent practice, a special application letter shall affirm:
 - (a) The identity of the applicant, supervisor, and employer;
- (b) That the supervising licensed psychologist is not hired, employed, or engaged under contract by the applicant and shall not be terminated by the applicant;
- (c) That the applicant is not an owner of the independent practice or organization, but rather serves as an employee; and
- (d) That the applicant has both administrative and clinical supervision that shall be provided by the independent practice or employer.
 - (6) If the supervised <u>professional</u> experience is in a university setting, the application shall also:
 - (a) Be proffered by a full-time faculty member;
- (b) Include a plan that contains each of the areas established in subsection (2) of this section; and
 - (c) Include a minimum of 400 hours of direct and indirect client involvement that:
 - 1. Is supervised by a licensed psychologist; and
 - 2. Includes:
 - a. Supervising student clinical work;
 - b. Diagnostic and interviewing activity that occurs within clinical research projects; or
 - c. Clinical work in the context of teaching psychotherapy, interviewing, or psychological testing.
- (7) The board shall not grant a request for temporary licensure if the request does not contain an explicit and acceptable plan for the supervised <u>professional</u> experience as required by this section.
- Section 4. An applicant for licensure as a psychological associate shall complete supervised <u>professional</u> experience consisting of course-related field experience, practica, and formal <u>predoctoral</u> internships adding up to a minimum of 600 supervised hours that shall meet the following criteria:
- (1) The experience shall occur within an organized training program and consist of a planned, programmed sequence of training experiences;

- (2) The preparing institution's psychology training program shall have a clearly[-]_designated placement director who shall be responsible for the integrity and quality of the experiential component of the training program;
- (3) Weekly practicum and <u>predoctoral</u> internship supervision shall be provided by a staff member of the placement agency, by an affiliate of that agency, or by a university faculty member. At least half of the supervision shall be provided by one (1) or more psychologists with an appropriate doctorate degree and license;
- (4) Field experiences, practica, and <u>predoctoral</u> internships shall provide training in a range of diagnostic and treatment activities conducted directly with clients seeking psychological services;
 - (5) At least twenty-five (25) percent of the trainee's time shall be in direct client contact;
- (6) The preparing institution shall maintain a written statement or brochure describing the goals and content of the required field experiences, practica, and <u>predoctoral</u> internships; and
- (7) Students participating in university-sanctioned supervised <u>professional</u> experience shall be clearly identified to clients and payers as trainees.
- Section 5. An applicant for licensure as a psychological practitioner shall complete the equivalent of five (5) full-time years of psychological practice under the direct supervision of a licensed psychologist approved by the board, consistent with the requirements of 201 KAR 26:171.
- (1) For purposes of this requirement, a candidate shall complete the equivalent of five (5) full-time years of supervised <u>professional</u> experience from the date of initial credentialing as a psychological associate, excluding any period of temporarily licensed psychological associate. A full-time year comprises at least 1,800 hours of supervised professional experience.
- (2) A school psychologist who is employed in a Kentucky school system, credentialed by the Professional Standards Board, and also credentialed as a psychological associate by this board, may contract for on-going clinical supervision in the school setting with a board-approved licensed psychologist who is neither an employee nor a contractor of the school system.
- (a) The supervised professional experience shall meet the conditions of this administrative regulation and may be used by the licensed psychological associate employed by the school system to meet the requirements for application to become a licensed psychological practitioner.
- (b) To fulfill the requirements of 201 KAR 26:171, there shall be an explicit written plan approved by the board between the school system, the school psychologist, and the board-approved supervisor that delineates roles and responsibilities, without restricting the ability of the school district to direct or control the activities of its employee.
- (c) A person trained in school psychology, if employed by an agency other than a public school or engaged in practice outside of the school setting, shall obtain clinical supervision in the manner specified by 201 KAR 26:171.

Section 6. Incomplete Application. An incomplete application shall be denied one (1) year from the date of filing and may be destroyed.

CONTACT PERSON: Kevin Winstead, Commissioner, Department of Professional Licensing, 500 Mero Street, phone (502) 782 - 8805, fax (502) 564-3969, email KevinR.Winstead@ky.gov.



Andy Beshear Governor

P.O. Box 1360 Frankfort, Kentucky 40602 Phone (502) 782-8812 Fax (502) 564-4818 http://psy.ky.gov



March 3, 2022

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: 201 KAR 26:230, Examinations and applications.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 26:230, the Kentucky Board of Examiners of Psychology proposes the attached amendment to 201 KAR 26:230.

Sincerely,

Office: 502-782-8805

Kevin R. Winstead, Commissioner
Department of Professional Licensing
(Contact person for this regulation)
On behalf of: Kentucky Board of Examiners of Psychology
P. O. Box 1360, Frankfort, Kentucky 40602
KevinR.Winstead@ky.gov



Final Version 2/23/2022 BOARDS AND COMMISSIONS KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY

201 KAR 26:230. Examinations and applications.

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Page 1
Section 1(2)
Line 19
       After "ethical principles", delete ",".
Page 4
Section 3(5)
Line 12
       After "pass either", delete "one".
Page 4
Section 3(6)
Line 19
       After "pass either", delete "one".
Page 4
Section 3(7)
Line 22
       After "take each", delete "one".
Page 6
Section 4(6)
Lines 8 and 9
       After "pass either", delete "one".
       After "on the first attempt", delete "the".
       After "a remediation plan", insert "that includes".
       Delete ", including".
Page 6
Section 4(7)
Line 14
       After "pass either", delete "one".
```

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Page 6
Section 5(1)(b)
Line 23
After "examination", insert "; and".
Delete ".".

Page 7
Section 5(1)(c)
```

After "(c)", delete "The applicant shall".

Line 1





Andy Beshear Governor

P.O. Box 1360 Frankfort, Kentucky 40602 Phone (502) 782-8812 Fax (502) 564-4818 http://psy.ky.gov

March 3, 2022

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: 201 KAR 26:270, Change of license status.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 26:270, the Kentucky Board of Examiners of Psychology proposes the attached amendment to 201 KAR 26:270.

Sincerely,

Kevin R. Winstead, Commissioner
Department of Professional Licensing
(Contact person for this regulation)
On behalf of: Kentucky Board of Examiners of Psychology
P. O. Box 1360, Frankfort, Kentucky 40602
Kevin R. Winstead @ky.gov

Office: 502-782-8805



Final Version 2/23/2022 BOARDS AND COMMISSIONS KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY

201 KAR 26:270. Change of license status.

Page 2 Section 2(2) Line 11

After "their title to", delete the quotation marks from "licensed psychological practitioner".

Page 3
Section 3(4)
Line 4
After "201 KAR 26:230", insert ",".

Page 3 Section 4(2) Line 11

After "their title to", delete the quotation marks from "licensed psychological associate".





Andy Beshear Governor

P.O. Box 1360 Frankfort, Kentucky 40602 Phone (502) 782-8812 Fax (502) 564-4818 http://psy.ky.gov

March 3, 2022

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

201 KAR 26:310, Telehealth and telepsychology.

Dear Co-Chairs West and Hale:

Re:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 26:310, the Kentucky Board of Examiners of Psychology proposes the attached amendment to 201 KAR 26:310.

Sincerely,

Kevin R. Winstead, Commissioner
Department of Professional Licensing
(Contact person for this regulation)
On behalf of: Kentucky Board of Examiners of Psychology
P. O. Box 1360, Frankfort, Kentucky 40602
KevinR.Winstead@ky.gov
Office: 502-782-8805



Final Version 2/23/2022 BOARDS AND COMMISSIONS KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY (Amended After Comments)

201 KAR 26:310. Telehealth and telepsychology.

Page 2 Section 1(3) Line 1

Delete the quotation marks from "practice of psychology".



KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY

Andy Beshear Governor P. O. Box 1360 Frankfort, Kentucky 40602 Phone (502) 782-8808 Fax (502) 564-4818 http://bmt.ky.gov

March 3, 2022



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: 201 KAR 42:020, Fees.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 42:020, the Board of Licensure for Massage Therapy proposes the attached amendment to 201 KAR 42:020.

Sincerely,

Kevin R. Winstead, Commissioner Department of Professional Licensing (Contact person for this regulation) On behalf of: Board of Licensure for Massage Therapy

P. O. Box 1360, Frankfort, Kentucky 40602

KevinR.Winstead@ky.gov

Office: 502-782-8805

cc: Carrie Nichols



Final, 1-26-2022

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS Board of Licensure for Massage Therapy

201 KAR 42:020. Fees.

RELATES TO: KRS <u>309.356</u>, 309.357[, 309.362(2), (3)] STATUTORY AUTHORITY: KRS 309.355(3), 309.357

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(3) requires the board to promulgate administrative regulations to implement KRS 309.350 to 309.364. KRS 309.357 requires the board to establish reasonable fees for the licensure of massage therapists. KRS 309.357[309.362](2) and (3) authorize the issuance of an inactive license and reinstatement. This administrative regulation establishes the fees relating to massage therapy (MT) licensure.

Section 1. Fee Payments. (1) All fees established in Section 2 of this administrative regulation shall be:

- (a) Made payable as required by KRS 309.356 to the Kentucky State Treasurer[State Treasury]; and
 - (b) Paid by:
 - 1. Cashier's check;
 - 2. Certified check;
 - 3. Money order;
 - 4. Personal check; or
 - 5. Online payment by credit card, debit card, or electronic check.
- (2) A payment for an application fee that is incorrect shall be returned to the applicant and the application shall not be posted until the correct fee is received.
- (3) The application fee and the initial licensure fee established in Section 2(1) of this administrative regulation shall be nonrefundable.
- (4) If it is determined that a refund of any fee is required, the refund shall be issued to the applicant or licensee.

Section 2. Fees. (1) The fee for an initial massage therapist license shall be \$200[425].

- (2)(a) The biennial renewal fee for a massage therapist license renewed on or before the renewal date shall be \$200[100].
- (b) If the license is renewed after the renewal date and up to sixty (60) days after expiration of the license, the fee for late renewal shall be \$225[150].
- (c) If the license is renewed sixty-one (61) to ninety-one (91)[ninety (90)] days after the expiration of the license, the late renewal fee shall be \$250[200].
- (d) <u>If a license has been expired for</u>[If a license is not renewed within] ninety (90) days <u>or more</u>[of expiration of the license], <u>the licensee shall apply for reinstatement.</u>[the applicant shall comply with KRS 309.357(6).]
- (3) The licensee may apply to reinstate the license by paying the late renewal fee of \$250 and the following reinstatement fee:
- (a) For applications for reinstatement submitted after ninety (90) days, but before one (1) year after the license expired, \$100;
- (b) For applications for reinstatement submitted after one (1) year, but before two (2) years after the license expired, \$150;

- (c) For applications for reinstatement submitted after two (2) years, but before three (3) years after the license expired, \$200;
- (d) For applications for reinstatement submitted after three (3) years, but before four (4) years after the license expired, \$250; or
- (e) For applications for reinstatement submitted after four (4) years, but before five (5) years after the license expired, \$300.
- (f) A license shall not be reinstated under *subsection[Section 2]* (2)(d) *of this section* if more than five (5) years have passed since the license expired. A person may apply for and obtain a new license by meeting the current requirements for licensure.
- (4)[(3)] A licensee shall be in good standing with the board at the time the licensee elects inactive status.
- (5)[(4)](a) The annual renewal date for an inactive license shall remain the original issue date of the license.
 - (b) The fee for the issuance of an inactive license shall be fifty (50) dollars.
 - (c) The annual renewal fee for an inactive license shall be fifty (50)[thirty-five (35)] dollars.
- (6)[(5)] If the inactive license is renewed after the renewal date and up to sixty (60) days after expiration of the license, the fee for late inactive renewal shall be seventy (70) dollars[\$52.50].
- (7)[(6)] If the inactive license is renewed sixty-one (61) to ninety (90) days after the expiration of the license, the late renewal fee shall be eighty-five (85)[seventy (70)] dollars.
- (8)[(7)] The application fee for <u>restoring[moving]</u> a license from inactive to active status shall be fifty (50) dollars and shall not be prorated.
- (9)[(8)] A licensee who elects inactive status or an inactive licensee electing to activate his or her license shall complete and submit an Application for Inactive <u>Status</u>, or Return to Active Status in addition to the fee referenced in subsection (7) of this section. An applicant shall affix a two (2) inch by two (2) inch or larger passport quality color photograph of the applicant to the Application for Inactive <u>Status</u>, <u>Renewal of Inactive Status</u>, or Return to Active Status.
- (10)[(9)] A licensee who elects to give notice of the licensee's retirement and voluntarily surrender his or her massage therapy license shall complete and submit a notarized <u>written request[Voluntary Retirement Non-Renewal form]</u>.
- (11) The fee for an initial certificate of good standing for a program of massage therapy instruction in accordance with 201 KAR 42:080, Section 2, shall be \$125.
- (12) The annual fee for renewal of a certificate of good standing for a program of massage therapy instruction in accordance with 201 KAR 42:080, Section 3, shall be seventy-five (75) dollars.
- (13) The fee for a one (1) time certificate of good standing shall be fifty (50) dollars. This is only applicable to: out-of-state schools who have a graduate applying to the board for licensure as a massage therapist and therefore complete the Certificate of Good Standing application, as incorporated by reference in 201 KAR 42:080 for the period of time in which the graduate was in attendance.
- Section 3. Incorporation by Reference. (1) The [following material is incorporated by reference:
- (a) "Application for Inactive Status, Renewal of Inactive Status, or Return to Active Status", June 2021 is incorporated by reference. [October 2016; and
 - (b) "Voluntary Retirement Non-Renewal", October 2016.]
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the <u>Department of Professional Licensing</u>, 500 Mero Street[Division of Occupations and Professions, 911 Leawood Drive], Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. The board's Web site address is: https://bmt.ky.gov/.



Andy Beshear Governor

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March 3, 2022



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: 201 KAR 42:030, Licensee's change of name, home address, or place of business.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 42:030, the Board of Licensure for Massage Therapy proposes the attached amendment to 201 KAR 42:030.

Sincerely,

Kevin R. Winstead, Commissioner
Department of Professional Licensing
(Contact person for this regulation)
On behalf of: Board of Licensure for Massage Therapy

P. O. Box 1360, Frankfort, Kentucky 40602 KevinR.Winstead@ky.gov

Office: 502-782-8805



Final, 1-26-2022

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS Board of Licensure for Massage Therapy

201 KAR 42:030. Licensee's change of name, home address, or place of business.

RELATES TO: KRS 309.355(4)

STATUTORY AUTHORITY: KRS 309.355(3), (4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(4) requires the board to keep a register of all persons licensed as massage therapists. KRS 309.355(3) requires the board to promulgate administrative regulations to implement KRS 309.350 through 309.364. This administrative regulation establishes the mechanism for a massage therapist to change the name, home address, or place of business under which the therapist is originally licensed.

Section 1. <u>(1)</u> A massage therapist licensed pursuant to KRS Chapter 309 shall notify the board electronically or in writing of any change in the person's name, home address, or place of business within thirty (30) days after the change has taken place.

(2) Any request for a

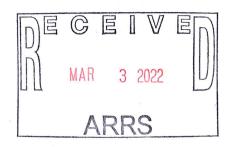
[Section 2. A]name change shall be made only after submission of a legal document that authorizes the change, such as an updated passport, Social Security card, driver's license, marriage certificate, or court order showing the new name.



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March 3, 2022



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: 201 KAR 42:035, Application process, exam, and curriculum requirements.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 42:035, the Board of Licensure for Massage Therapy proposes the attached amendment to 201 KAR 42:035.

Sincerely,

Kevin R. Winstead, Commissioner
Department of Professional Licensing
(Contact person for this regulation)
On behalf of: Board of Licensure for Massage Therapy
P. O. Box 1360, Frankfort, Kentucky 40602

KevinR.Winstead@ky.gov

Office: 502-782-8805



Final, 1-26-2022

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS Board of Licensure for Massage Therapy

201 KAR 42:035. Application process, exam, and curriculum requirements.

RELATES TO: KRS <u>309.355</u>, 309.358, 309.359, 309.362, 309.363, <u>309.3631</u>, <u>335B.010</u>-<u>335B.070</u>

STATUTORY AUTHORITY: KRS 309,355(1), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(1) requires the board to administer and enforce the provisions of KRS 309.350 to 309.364 and to evaluate the qualifications of applicants for licensure. KRS 309.355(3) requires the board to promulgate administrative regulations to implement KRS 309.350 to 309.364, including educational program curriculum. The board may issue a license to an applicant meeting the standards established in KRS 309.358 or 309.359. This administrative regulation establishes the application process and curriculum requirements for licensure.

Section 1. An applicant for licensure as a massage therapist shall:

- (1) File a completed, signed, and dated Application for Licensure as a Massage Therapist, and the required documentation with the board, meeting the requirements established in KRS 309.358:
 - (2) Pay the application fee as established in 201 KAR 42:020; and
- (3) Affix a two (2) inch by two (2) inch or larger passport quality color <u>head shot</u> photograph of <u>only</u> the applicant to the application form. The photograph submitted with the application shall be taken within the previous six (6) months to reflect the current appearance of the applicant.
- Section 2. (1) To comply with KRS 309.358(1)(f)[(4)], an applicant shall submit to the board, upon application, an official transcript or certificate that:
- (a) Shows the completion of at least 600 classroom hours earned at a board approved massage therapy program; and
 - (b) Itemizes compliance with the clock hour requirements established in KRS 309.363(1)(b).
- (2) Board approved massage therapy programs include only those programs holding a certificate of good standing issued pursuant to KRS 309.363, [KRS] 309.3631, and 201 KAR 42:080.
- (3) A massage therapy school which has registered and obtained a school code assignment with the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) shall maintain good standing with the NCBTMB during the entire period the applicant attended the school. Suspension or revocation of the NCBTMB school code at any time during that period shall constitute grounds for:
 - (a) Denial of an application for licensure by graduates of that school; and
 - (b) Revocation of a certificate of good standing held by the massage therapy school.
- (4) A school's non-renewal of an NCBTMB code while in good standing shall not preclude an applicant from obtaining licensure.

Section 3. Examinations. (1) An applicant shall successfully pass an examination:

- (a) Listed in KRS 309.358(1)(g)[(5)]; or
- (b) Approved by the board pursuant to KRS 309.358(1)(g)[(5)] and listed in subsection (4) of this section.

- (2) An examination shall be approved by the board as meeting the standard established in KRS 309.358(1)(g)[(5)] if the board finds that the examination:
 - (a) Has been scientifically constructed to be valid and objective;
 - (b) Reflects the curriculum content established in KRS 309.363(1);
 - (c) Has security procedures to protect the exam content; and
 - (d) Has clear application, reporting, and appeal procedures.
- (3) Approval of exams shall be noted in the board minutes and on the board Web site at http://bmt.ky.gov.
- (4) The following examinations have been approved by the board pursuant to KRS 309.358(1)(q)[(5)]:
- (a) The Massage and Bodywork Licensing Examination (MBLEx) or other exam administered by the Federation of State Massage Therapy Boards (FSMTB);
- (b) An entry level examination administered by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB);
- (c) Any examination of a certifying agency approved by National Commission on Certifying Agencies (NCCA);
- (d) An entry level massage therapy examination administered by the National Board Certification Agency (NBCA);
 - (e) The State of Ohio Massage Therapy Licensing Exam; and
 - (f)[(e)] The State of New York Massage Therapy Licensing Exam.[; or
- (d) The National Board Certification Agency (NBCA) Massage Therapy Certification Exam, Level One.]
- Section 4. (1) An applicant with a criminal history, excluding minor traffic violations, <u>may be required to[shall]</u> participate in an in-person interview with[be interviewed by] the board's Application Committee prior to licensure. The purpose of this interview[with the board's application committee] shall be to find if the applicant <u>meets[complies with]</u> the requirement for good moral character established in KRS 309.358(1)(c).[(3) and 335B.040, and the] The interview shall be conducted pursuant to the board's authority under <u>KRS 309.355(2),[KRS]</u> 309.362(1)(b), and 309.362(2) and in accordance with KRS 335B.010 to 335B.070.
- (2) All applicants shall submit a recent fingerprint-supported background check performed by the Kentucky State Police and the Federal Bureau of Investigation. The required background check shall be applied for within the ninety (90) days preceding the date of submission of the application for licensure to the board.
- Section 5. Appeals. [(1) Upon initial review, the board shall make a preliminary determination with respect to an application. Preliminary determinations shall be non-final determinations until:
- (a) A final decision is rendered subsequent to an administrative hearing conducted pursuant to KRS Chapter 13B;
 - (b) Settlement of the matter by informal proceedings is accomplished; or
 - (c) The time for appeal under subsection (2) of this section has expired.
- (2)] An applicant may appeal the denial of[a preliminary determination denying] his or her licensure application by requesting a hearing in accordance with KRS 309.362(2)[(4)]. In order to request a hearing, the applicant shall file a notice of appeal in writing[by certified mail that is received by the board] within thirty (30) days of the date of the letter informing the applicant of the [preliminary determination of]denial.
- Section 6. Incorporation by Reference. (1) The "Application for Licensure as a Massage Therapist", <u>June 2021[September 2015]</u>, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Professional Licensing, 500 Mero Street, Frankfort, Kentucky

40601[Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601], Monday through Friday, 8:00 a.m. to 4:30 p.m. The board's Web site address is: https://bmt.ky.gov/.



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March 3, 2022



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: 201 KAR 42:040, Renewal and reinstatement.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 42:040, the Board of Licensure for Massage Therapy proposes the attached amendment to 201 KAR 42:040.

Sincerely.

Kevin R. Winstead, Commissioner
Department of Professional Licensing
(Contact person for this regulation)
On behalf of: Board of Licensure for Massage Therapy

P. O. Box 1360, Frankfort, Kentucky 40602

KevinR.Winstead@ky.gov Office: 502-782-8805



Final, 1-26-2022

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS Board of Licensure for Massage Therapy

201 KAR 42:040. Renewal and reinstatement.

RELATES TO: KRS 309.357(1)(a)[(3), (4), (5), (6)], <u>309.358,</u> 309.361, 309.362, <u>335B.010-335B.070</u>

STATUTORY AUTHORITY: KRS 309.355(1), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(1) requires the board to administer and enforce the provisions of KRS 309.350 to 309.364 and authorizes licensure renewal. KRS 309.355(3) requires the board to promulgate administrative regulations to implement KRS 309.350 to 309.364. KRS 309.357(1)(a) requires the board to establish a schedule of fees for the renewal of licenses, the reinstatement of licenses, and establishes requirements for placing licenses in inactive status and for restoring licensing to active status.[(3) requires all-licenses to be renewed.] KRS 309.361(1) designates a two (2) year renewal period. This administrative regulation establishes the requirements for renewal of licenses and the reinstatement of expired licenses that have been expired for less than five (5) years' time.

Section 1. (1) A license to practice massage therapy shall be renewed upon:

- (a) Payment of the biennial renewal fee as established in 201 KAR 42:020, Section 2(2), on or before the anniversary date of issue of license;
- (b) Submission to the board of <u>a completed[the]</u> Application for <u>License</u> Renewal form and the following written information:
- 1. Current complete home address, email address[to receive communications from the board], and telephone number, to receive communications from the board;
- 2. Current complete name, address, and telephone number of each location in which massage therapy service is provided by the licensee;
- 3. A list indicating completion of the continuing education <u>hours[units taken during the licensure renewal period]</u> as required by 201 KAR 42:110. The list shall:
 - a. Itemize the number of clock hours credited for each course; and
 - b. Designate the courses that fulfill the three (3) required hours of ethics training; and
 - 4. Confirmation that, since the license was issued or renewed, the licensee has not:
 - a. Been convicted of a felony; or
- b. Had his or her license disciplined and is not currently under disciplinary review in another state;[; or
- c. Defaulted on the repayment obligation of financial aid programs administered by the Kentucky Higher Education Assistance Authority (KHEAA) pursuant to KRS 164.772;] and
- (c) Submission of a two (2) inch by two (2) inch or larger passport quality color <u>head shot</u> photograph of <u>only</u> the applicant to the board affixed to the Application for <u>License</u> Renewal form. The photograph submitted with the application shall be taken within the previous six (6) months to reflect the current appearance of the applicant.
- (2)(a) A licensee who has been convicted of a crime or who has been disciplined or is currently under disciplinary investigation or review by the board of another jurisdiction during the licensure period immediately preceding the submission of the Application for <u>License</u> Renewal may be required to[shall] participate in an in-person interview with the board's Application Committee prior to renewal of the license. The purpose of this interview[with the board's application committee] shall be to find if the licensee [met]meets the requirement of good moral

character established in KRS 309.358(1)(c)[(3) and 335B.040]. The interview shall be conducted pursuant to the board's authority under KRS 309.355(2)[(3)], 309.362(1)(b), and 309.362(2)[(4)], and in accordance with KRS 335B.010 to 335B.070.

- (b) Each applicant for renewal who has been convicted of a crime or who has been disciplined by the board of another jurisdiction during the licensure period immediately preceding the submission of the Application for <u>License</u> Renewal shall submit a recent <u>fingerprint supported</u> background check performed by the <u>Kentucky State Police and the</u> Federal Bureau of Investigation. The required background check shall be applied for within the ninety (90) days preceding the date the Application for <u>License</u> Renewal is submitted.
- (3) If[, upon a preliminary review,] the board[determines that] denies an Application for <u>Licensee</u> Renewal[shall be denied], notice[of the preliminary decision] shall be sent to the licensee and the licensee shall have thirty (30) days from the date of the <u>notice[letter]</u> to request <u>an administrative</u> hearing in accordance with KRS Chapter 13B by filing a written request for an appeal[a hearing in writing by certified mail] with the board. [If a request for hearing by the licensee is not received by the board within thirty (30) days of the letter, the licensee shall be found to have voluntarily withdrawn his or her Application for Renewal.]
 - (4) A revoked license shall not be renewed.
- Section 2. A licensee convicted of a felony or disciplined by the board of another jurisdiction[in the interim period between issuance and renewal of the license, or between renewal periods], shall submit notice of the conviction or discipline to the board within sixty (60) days of the discipline or conviction.
- Section 3. If payment and complete information are not received by the board on or before the anniversary date of the issuance of the license, the license shall expire and the person shall not practice nor represent himself or herself as a massage therapist in Kentucky.
- Section 4. (1) An expired license shall be renewed within ninety (90) days of expiration if the applicant submits:
 - (a) A completed Application for *License* Renewal form;
- (b) Documentation of successful completion of <u>twelve (12)[twenty-four (24)]</u> hours of continuing professional education, which:
- 1. Includes studies in ethics, business practices, science, and techniques related to massage therapy;
 - 2. Have been credited within two (2) years prior to the renewal deadline; and
- 3. Have not been previously used within the same renewal period to satisfy Kentucky license renewal requirements; and
 - (c) The appropriate fee for renewal, as required by 201 KAR 42:020, Section 2(2), (5), or (6).
- (2) If ninety-one (91) days or more, but less than five (5) years, have elapsed since the license expiration, the licensee shall file an Application for Reinstatement. (a) A written request for an extension of time to file a completed Application for Renewal form shall be submitted to the board no later than ninety (90) days after the expiration of the license.
- (b) An applicant submitting an Application for Renewal form later than ninety (90) days after the expiration date shall attach a written explanation for the late filing to the form. An Application for Renewal submitted later than ninety (90) days without a written explanation for the late filing shall be considered incomplete.
- (c) The board shall permit late renewal beyond ninety (90) days after the expiration of the license for an applicant submitting documented proof of a medical disability or illness, or active military service that precluded the timely submission of an Application for Renewal form.
 - (d) The board shall not waive the late renewal fee required by KRS 309.357(6)(a).]

- Section 5. (1) [Upon initial licensing,] A licensee shall at all times display a copy of the licensee's current license[be furnished a wall] certificate [which shall be displayed at all times] at the primary massage therapy service location. A digital copy of the licensee's certificate shall be:
 - (a) Provided to the licensee upon initial licensing and renewal; and
 - (b) Made available for download by the licensee.
- (2) A licensee shall provide verification of current licensure upon request if he or she is currently engaged in the practice of massage therapy, intends to engage within a reasonable time in the practice of massage therapy, or has engaged in the practice of massage therapy immediately prior to the request.
- (3) Official verification of licensure status shall be available on the board's Web site at http://bmt.ky.gov.

Section 6. Reactivation Requirement for Inactive Status Massage Therapist. (1)(a) Before the expiration of five (5) years of inactive status, a licensee [requesting to return]seeking restoration to active status shall:

- 1. Provide proof to the board of completion of continuing education required by KRS 309.362(3)] one (1) hour of continuing professional education for every six (6) months the license has been in an inactive state, not to exceed five (5) years, in accordance with 309.357(3). If an applicant obtained inactive status within ninety (90) days of a biennial renewal date, the applicant shall also provide proof of the twelve (12) required CE hours for renewal and pay the renewal fee[. At least three (3) of the continuing education hours submitted shall be focused on the area of ethics];
- 2. Complete the Application for Inactive <u>Status</u>, <u>Renewal of Inactive Status</u>, or Return to Active Status, as required by 201 KAR 42:020, Section 2(8); and
 - 3. Pay the fee prescribed by 201 KAR 42:020, Section 2(7).
- (b) The continuing education hours provided pursuant to paragraph (a)1 of this subsection may be <u>counted toward continuing education requirements[used]</u> for the next regular renewal period.
- (2) After more than five (5) years of inactive status, a person requesting to return to active status shall reapply as required by KRS 309.357(1)(d)[362(3)].
- Section 7. (1) A former licensee whose license has been expired for less than five (5) years shall apply for reinstatement of the license by:
 - (a) Submitting a completed ["]Application for Reinstatement["];
- (b) Submitting proof of completion of a total of credit hours of continuing professional education determined at the rate of one-half (1/2) credit hour for each month having passed since the license expired; and
 - (c) Paying the applicable fee set forth in 201 KAR 42:020, Section 2(3).
- (2) Continuing professional education credit hours completed by an applicant for reinstatement:
- (a) May have been obtained by the applicant at any time after the license expired, but shall[must] have been obtained prior to submitting the Application for Reinstatement; and
- (b) **Shall[Must]** meet the requirements for board-approved continuing education courses set forth at 201 KAR 42:110, Section 3.
- (3) A license shall not be reinstated if more than five (5) years have passed since the license expired pursuant to Section 3 of this administrative regulation. A person may apply for and obtain a new license by meeting the current requirements for licensure.
- (4)(a) Each applicant for reinstatement who has been convicted of a crime since the license expired shall submit a fingerprint supported background check performed by the Kentucky State Police and the Federal Bureau of Investigation. The background check shall be applied for within the ninety (90) days preceding the date the Application for Reinstatement is submitted.

- (b) If an applicant for reinstatement has been convicted of a crime or has been disciplined or is currently under disciplinary investigation or review by the board of another jurisdiction, the applicant shall include a written explanation of the charges and proof of dispositions with the application. *[I, and]* The board may require the applicant to participate in an in-person interview with the board's Application Committee prior to reinstatement of the license. The purpose of this interview shall be to find if the licensee meets the requirement of good moral character established in KRS 309.358(1)(c). The interview shall be conducted pursuant to the board's authority under KRS 309.355(2), 309.362(1)(b), and 309.362(2), and in accordance with KRS 335B.010 to 335B.070.
- (5) If the board denies an Application for Reinstatement, notice of the decision shall be sent to the applicant for reinstatement and the applicant shall have thirty (30) days from the date of the notice to request an administrative hearing in accordance with KRS Chapter 13B by filing a written request for an appeal with the board.
 - (6) A revoked license shall not be reinstated.

<u>Section 8.[Section 7.]</u> Incorporation by Reference.(1) <u>The following forms are incorporated by reference:</u>

(a) "Application for *License* Renewal", June 2021; and

(b) "Application for Reinstatement", June 2021.[October 2016, is incorporated by reference.]

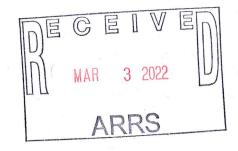
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the <u>Department of Professional Licensing</u>, 500 Mero Street, Frankfort, Kentucky 40601[Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40602], Monday through Friday, 8:00 a.m. to 4:30 p.m. <u>The board's Web site address is: https://bmt.ky.gov/.</u>



Andy Beshear Governor

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March 3, 2022



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: 201 KAR 42:050, Complaint procedure and disciplinary action.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 42:050, the Board of Licensure for Massage Therapy proposes the attached amendment to 201 KAR 42:050.

Sincerely,

Kevin R. Winstead, Commissioner Department of Professional Licensing (Contact person for this regulation) On behalf of: Board of Licensure for Massage Therapy

P. O. Box 1360, Frankfort, Kentucky 40602

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Final, 1-26-2022

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS Board of Licensure for Massage Therapy

201 KAR 42:050. Complaint procedure and disciplinary action.

RELATES TO: KRS 309.351, 309.355(1), (2), (6), 309.362

STATUTORY AUTHORITY: KRS 309.355(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(1) requires the board to regulate the practice of massage therapy. KRS 309.355(2) requires the board to investigate every alleged violation and take appropriate action. This administrative regulation establishes the procedure for filing a complaint and the action to be taken by the board on a complaint and disciplinary action of a licensee or applicant in violation of KRS 309.351 or 309.362.

Section 1. Definitions. (1) "Complaint committee" means a committee of the board that:

- (a) Reviews an initiating complaint; and
- (b) 1. Recommends dismissal or further investigation of the complaint; or
- 2. Determines the existence of sufficient evidence to bring a formal complaint.
- (2) "Formal complaint" means a formal administrative pleading authorized by the board that sets forth a charge against a licensee or applicant and commences a formal disciplinary proceeding under KRS Chapter 13B.
- (3) "Initiating complaint" means a written complaint alleging a violation of KRS 309.350 through 309.364.
- (4) "Respondent" means the person against whom an initiating complaint or formal complaint has been made.

Section 2. Initiating Complaint. (1) A complaint may be initiated by:

- (a) An individual:
- (b) A state or government agency;
- (c) Another member of the massage therapy profession; or
- (d) The board.
- (2) An initiating complaint shall be made in writing to the board and received in the board office.
- (3) The board may conduct an investigation on its own initiative, without receipt of a complaint, if the board has reason to believe that there may be a violation of KRS 309.350 through 309.364, or 201 KAR Chapter 42.
- (4) A certified copy of a court record for conviction of a misdemeanor or felony shall be considered a valid reason for an initiating complaint.[The complaint shall be submitted on a Form to File a Complaint or Unlicensed Activity Report.]
- (5) Any complaint shall be in writing, identify the complainant, including name and contact information, and contain specific details regarding the complaint. Complaints without the required information will not be processed. The Form to File a Complaint or Unlicensed Activity Report may be used for this purpose.

Section 3. Procedure Upon Receipt of Initiating Complaint. (1) Upon receipt of the initiating complaint, the board office shall send a copy of the initiating complaint to the respondent at the respondent's last address of record with the board.

- (2) The respondent shall file a response to the initiating complaint with the board within twenty (20) days after the board mails the initiating complaint to the respondent.
- (3) The allegations in an initiating complaint shall be considered true if the respondent fails to respond to the initiating complaint in a timely fashion.[
- (4) The board shall use the procedures established in this subsection to redact an initiating complaint.
- (a) A copy of an initiating complaint may be redacted of personal names, personal identification numbers, and personal contact information upon recommendation of the complaint committee and consent by majority vote of the full board. The board shall keep the original initiating complaint free of redactions and store the document in the complaint case file.
- (b) The board may send a redacted copy of an initiating complaint to the respondent to meet the requirements of subsection (1) of this section. The original initiating complaint that is free of redactions may be viewed by the respondent upon written request submitted to the board. The original copy of the initiating complaint that is free of redactions shall not be released to the respondent or the public until final disposition of the matter.]

Section 4. (1) The complaint committee shall:

- (a) Review the initiating complaint and the response filed by the respondent at its next meeting; and
 - (b) Recommend one (1) of the following options to the board at the board's next meeting:
 - 1. Dismissal;
 - 2. Further investigation;
 - 3. Issuance of a formal complaint; or
 - 4. Referral to another government agency.
- (2) A complaint committee member having any known conflict of interest shall be recused from the matter and disclose the existence of the conflict in a regular board meeting.
- Section 5. Board Action upon Recommendation of Complaint Committee. At the board's next meeting following review by the complaint committee, the board shall review the committee's recommendations and shall accept or reject the recommendations in whole or in part.
- Section 6. Dismissals. The complainant and respondent shall be notified if a case is dismissed.
- Section 7. Investigations. (1) If investigation is warranted, the board shall appoint one (1) of its members or an agent or representative of the board to conduct an investigation of the complaint.
 - (2) In its investigation, the board may be assisted by:
 - (a) Board staff;
 - (b) A board agent; or
 - (c) The Office of the Attorney General.
- Section 8. Formal complaints. If the board finds that sufficient evidence exists to file a formal complaint, the board shall:
 - (1) Resolve the case informally by agreed order; or
 - (2) File a formal complaint, in accordance with KRS Chapter 13B.
- Section 9. Settlement by Informal Proceedings. (1) The board, through counsel, may enter into informal discussions or negotiations with the respondent for the purpose of appropriately dispensing with the matter.

(2) An agreed order or settlement reached through informal proceedings shall be approved by the board and signed by the chair of the board, the respondent, and the respondent's attorney. A copy shall be placed in the licensee's file and a copy shall be mailed to the complainant.

(3) The board may employ mediation as a method of resolving the matter informally.

Section 10. Procedures for Disciplinary Hearings. (1) All procedures for disciplinary hearings shall conform to KRS Chapter 13B.

(2) Testimony to be considered by the board, hearing panel, or hearing officer, if any, may be taken by deposition. A party or witness may be allowed to testify by deposition, rather than attend the hearing, upon a showing of inability to attend and a showing that other parties shall have an opportunity to cross-examine at the deposition. The presiding officer or hearing officer, if any, shall rule upon motions to allow testimony to be considered by deposition, subject to review and approval by the board.

(3) The presiding officer or hearing officer, if any, may order that at least five (5) days prior to the hearing, each party shall file a summary of each witness' expected testimony.

(4) The board may request recovery of administrative costs and fees incurred by the board in processing, investigating, or administering a complaint to be paid by a respondent. The request shall be submitted by motion to an administrative hearing officer assigned under KRS 13B.080 to preside over a KRS Chapter 13B hearing of the complaint. The request may also be made to a circuit court judge presiding over an action for injunction filed by the board pursuant to KRS 309.355(6).

Section 11. Final Disposition. Upon reaching a decision, the board shall notify the respondent in writing, by certified mail or personal service, of its final disposition of the matter and the complainant shall be notified by regular mail.

Section 12. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Form to File a Complaint", June 2021[January 2011]; and
- (b) "Unlicensed Activity Report", June 2021[January 2011].
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the <u>Department of Professional Licensing</u>, 500 Mero Street, Frankfort, Kentucky 40601.[Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40602, Monday through Friday, 8:00 a.m. to 4:30 p.m.] The board's Web site address is: https://bmt.ky.gov/.



Andy Beshear Governor P. O. Box 1360 Frankfort, Kentucky 40602 Phone (502) 782-8808 Fax (502) 564-4818 http://bmt.ky.gov

March 3, 2022



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: 201 KAR 42:061, Code of ethics and standards of practice for massage therapists.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 42:061, the Board of Licensure for Massage Therapy proposes the attached amendment to 201 KAR 42:061.

Sincerely,

Kevin R. Winstead, Commissioner
Department of Professional Licensing
(Contact person for this regulation)
On behalf of: Board of Licensure for Massage Therapy

P. O. Box 1360, Frankfort, Kentucky 40602

KevinR.Winstead@ky.gov Office: 502-782-8805

Office.



Final, 1-25-2022

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS Board of Licensure for Massage Therapy

201 KAR 42:061. Code of ethics and standards of practice for massage therapists.

RELATES TO: KRS 309.355(1), (3), 309.362 STATUTORY AUTHORITY: KRS 309.355(1), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(1) requires the Board of Licensure for Massage Therapy to administer and enforce the provisions of KRS 309.350 to 309.364. KRS 309.355(3) requires the board to establish by administrative regulation a code of ethics and standards of practice for massage therapists. This administrative regulation establishes those standards, which, if violated, are a basis for disciplinary action under KRS 309.362.

Section 1. Code of Ethical Standards for the Massage Therapist. A massage therapist shall:

- (1) Maintain the confidentiality of all client information, unless law or court order mandates disclosure:
- (2) Keep the client well informed of procedures and methods that will be employed during the session;
- (3) Report to the board if the massage therapist has first-hand knowledge or evidence indicating any unethical, incompetent, or illegal act has been committed by another licensee;
- (4) Take precautions to do no harm to the physical, mental, and emotional well-being of clients or associates;
- (5) Make every reasonable effort to report unlicensed practice of massage therapy to the board;
 - (6) Represent his or her educational and professional qualifications honestly;
 - (7) Inform clients of the limitations of the licensee's practice;
- (8) Consistently take measures to improve professional knowledge and competence by a regular assessment of personal and professional strengths and weaknesses through continuing education training;
- (9) Respect the client's right to treatment with informed and voluntary consent, either verbal or written, and to refuse, modify, or terminate treatment regardless of prior consent;
 - (10) Not engage in sexual conduct or activities with a client;
- (11) Not engage in an interest, activity, or influence that conflicts with the practitioner's obligation to act in the best interest of the client;
- (12) Respect the client's boundaries with regard to privacy, disclosure, exposure, emotional expression, beliefs, and reasonable expectations of professional behavior;
- (13) Refuse to accept gifts or benefits, which are intended to influence a referral or treatment that are purely for personal gain and not for the good of the client;
 - (14) Conduct all business and professional activities with honesty and integrity;
 - (15) Respect the inherent worth of all clients;
 - (16) Provide only those services that the licensee is qualified to perform; and
 - (17) Respect the client's autonomy.

Section 2. Standards of Practice for the Massage Therapist. (1) In the practice of massage therapy, a massage therapist shall:

- (a) Perform a written or verbal intake interview with the client to evaluate if any contraindications to massage therapy exist and if modifications including pressure, technique, and duration of treatment are applicable;
- (b) Evaluate each client through observation, palpation, and any relevant records provided by the client:
 - (c) Acknowledge the limitations of, and contraindications for, massage;
 - (d) Plan and implement a treatment session or program individualized for the client;
- (e) Refer the client to other professionals or services if the treatment or service is beyond the massage therapist's scope of practice;
- (f) Maintain for a minimum period of five (5) years accurate, timely, and organized records of every client;
- (g) Provide massage therapy services that meet or exceed the generally accepted practice of the profession;
- (h) If a plan of care or treatment is applicable, explain the plan to the client, to others designated by the client, and to professionals with client permission;
- (i) Unless prohibited by law, be allowed to pool or apportion fees received with other members of a business entity in accordance with any business agreement;
 - (j) Practice massage therapy in sanitary and safe conditions;
 - (k) Use proper draping technique;
- 1. Before beginning a massage, the <u>massage</u> therapist <u>shall[must]</u> explain to the client the draping techniques that will be used; and
- 2. Provide the client a clean drape large enough for the purpose of draping the buttocks, genitalia, and chest. <u>These[Such]</u> body parts <u>shall[must]</u> remain covered, except during therapeutic treatment of those specific areas, with the exception of the genitalia, which shall always remain covered; and
 - (I) Have the right to refuse to treat any person or part of the body at the licensee's discretion.
 - (2) In the practice of massage therapy, a massage therapist shall not:
- (a) Provide treatment to the anus or anal canal, including, <u>treatments such as[but not limited</u> to,] colonic irrigations and enemas; or
- (b) Provide treatment to the genitals, including, <u>for conditions such as[but not limited to,]</u> erectile dysfunction or pelvic floor issues.
- (3) Interacting with other medical professionals. With written permission from the client, the massage therapist may interact with the client's physician or other healthcare providers if the client is under direct medical care.
- (4) If the client is self-referred and under the care of a health care professional, the massage therapist may, with written permission from the client:
 - (a) Advise the health care professional that the patient is seeking massage treatment;
 - (b) Provide to the health care professional the massage therapist's evaluation results;
 - (c) Advise the health care professional of the noted treatment plan; and
- (d) Provide a follow-up report upon completion of the massage treatment plan to enhance communication between the multidisciplinary care-giving team.
 - (5) Breast massage. A licensee performing massage of the tissue of the breast shall:
 - (a) Obtain the client's informed written consent prior to providing the service;
- (b) Maintain proof documenting specialized training in breast massage which addresses breast anatomy, breast pathology, and breast massage technique and which was provided by an approved massage therapy program or board approved continuing education provider;
- (c) Inform the client prior to the commencement of the service that this service may be performed through a draping sheet if the client so desires and the licensee shall provide the service through a draping sheet if the client so prefers;

- (d) Inform the client prior to the commencement of the service that the client may discontinue the service at any time and the licensee shall honor that election by discontinuing the provision of the service if that request is made;
- (e) Keep detailed Subjective Objective Analysis Plan notes for the service such as notes related to all emotional factors that the client reports to the licensee which might impact the client's suitability for the service and the precautions that the licensee has taken to ensure that the service is provided in a manner accounting for those emotional factors; and
 - (f) Refrain from an act or statement which the client may construe as being sexual in nature.

Section 3. Standards for Documentation. The massage therapist and client shall agree upon the purpose of the massage session.

- (1) Documentation shall not be required if the massage session is for general relaxation, a sports event massage, or public demonstration as in chair massage.
- (2) If a written plan of treatment is requested or required, the client file shall include the following documentation:
 - (a) The initial evaluation, which shall include:
 - 1. The client's name, age, and gender;
 - 2. Date of the session; and
 - 3. Pertinent medical history, including:
 - a. Client sensitivities and allergies;
 - b. Medical diagnoses, if available, and the source of the diagnosis;
 - c. Contraindications; and
 - d. Medications as disclosed by the client;
- (b) Progress notes signed by the massage therapist rendering the massage therapy, which shall include:
- 1. Subjective information including the area of complaint as stated by the client and the date of onset;
 - 2. Objective information including any observations and objective testing, if applicable;
 - 3. Ongoing assessments, if applicable;
 - 4. Actions taken by the massage therapist; and
 - 5. The client response to massage therapy treatment; and
 - (c) A plan of treatment, if applicable, consisting of:
 - 1. Modalities to be rendered;
 - 2. Frequency and duration of treatment;
 - 3. Referral to other professionals, if indicated;
 - 4. Client self-help education and instruction; and
 - 5. The goals or desired outcome of the treatment.



Andy Beshear Governor

P. O. Box 1360 Frankfort, Kentucky 40602 Phone (502) 782-8808 Fax (502) 564-4818 http://bmt.ky.gov

March 3, 2022



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: 201 KAR 42:070, Endorsement.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 42:070, the Board of Licensure for Massage Therapy proposes the attached amendment to 201 KAR 42:070.

Sincerely,

Kevin R. Winstead, Commissioner Department of Professional Licensing (Contact person for this regulation) On behalf of: Board of Licensure for Massage Therapy

P. O. Box 1360, Frankfort, Kentucky 40602 KevinR.Winstead@ky.gov

Office: 502-782-8805



Final, 2-22-2022

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS Board of Licensure for Massage Therapy

201 KAR 42:070. Endorsement.

RELATES TO: KRS <u>309.355</u>, <u>309.358</u>,[309.358,]309.359, <u>309.362</u>, <u>309.363</u>, <u>335B.010</u>-335B.070

STATUTORY AUTHORITY: KRS 309.355(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.359 authorizes the board to issue a license to a person holding a credential in another state of the United States. KRS 309.355(3) requires the board to promulgate administrative regulations to implement KRS 309.350 through 309.364. This administrative regulation establishes the application process for issuance of a license to a person holding a credential in another state of the United States.

Section 1. [An applicant Meeting Equal or Higher Standards.] An applicant holding a license issued by another state with licensure standards equal to or higher than the requirements of KRS 309.358 shall submit:

- (1) A completed Application for Licensure as a Massage Therapist, which is incorporated by reference in 201 KAR 42:035;
- (2) A verifiable statement that the individual is in good standing as a massage therapist from the credentialing authority of the jurisdiction in which the applicant holds a license or credential including duration of the license or credential; and
 - (3) The appropriate fee for licensure as required by 201 KAR 42:020, Section 2(1).

Section 2. An Applicant Meeting Lesser Standards.]An applicant who is credentialed as a massage therapist in another state [with less stringent requirements than KRS 309.358] shall submit:

- (1) A completed **["]**Application for Licensure **by[Through]** Endorsement**[as a Massage Therapist"]**[, which is incorporated by reference in 201 KAR 42:035];
- (2) A recent fingerprint-supported background check performed by the Kentucky State Police and the Federal Bureau of Investigation. The required background check shall be applied for within the ninety (90) days preceding the date of submission of the application for licensure to the board.
- (3) A two (2) inch by two (2) inch or larger passport quality color head shot photograph of only the applicant, which is attached to the application form. The photograph submitted with the application shall be taken within the previous six (6) months to reflect the current appearance of the applicant.
- (4) A certified statement from the credentialing authority of the jurisdiction in which the applicant currently holds a license or credential that the individual has been licensed in that jurisdiction for one (1) year prior to the filing of the application in Kentucky and has been[is] in good standing as a massage therapist[from the credentialing authority of the jurisdiction in which the applicant holds a license or credential] for the [including] duration of the license or credential;
 - (5)[(3)] The appropriate fee for licensure as required by 201 KAR 42:020, Section 2(1); and
- (6)[(4)] Documents evidencing the applicant's combined initial training, professional experience, continuing education, or other credentials constituting equivalency to KRS 309.358. Acceptable documentation may include:

- (a) Passage of <u>an entry level examination administered by</u> the National Certification Board of Therapeutic Massage and Bodywork (*NCBTMB[NCETMB]*), which includes the *National Certification Examination (NCE)*, *National Certification Examination for Therapeutic Massage* (NCETM), and the *National Certification Examination for Therapeutic Massage and Bodywork* (NCETMB), ['s National Certification Exam (NCE)] or an examination that has been approved by the board pursuant to 201 KAR 42:035;
- (b) Certified school transcripts received directly from the massage school, which qualified for a certificate of good standing from the Commonwealth of Kentucky for the duration of the applicant's attendance;
- (c) Copies of continuing education certificates from studies completed after or not included as part of the initial training;
 - (d) Certified transcript of health care related academic course work;
 - (e) Proof of teaching massage therapy relevant curriculum as stated in KRS 309.363;
- (f) Other credentials that may constitute equivalence to the standards in KRS 309.358, which may also include research, clinical internships, publications, and massage therapy leadership positions; or
- (g) Current proof of hands-on therapeutic massage or bodywork sessions with supporting documentation for the hours or years of massage therapy work for six (6) months of the one (1) year preceding the application for endorsement.
 - 1. The supporting documentation shall include:
- a. Appointment books, employer verification,[and] log books, and contact information for the employer; or
 - b. If self-employed, appointment books, and verification of self-employment.
- 2. If <u>proof of hands on therapeutic massage or bodywork sessions[this]</u> is the only documentation <u>provided</u> to establish equivalency, a minimum of four (4) years' experience shall be required.
- Section 2. Reciprocity for Spouses and Dependents of [Active Armed Forces] Members of the United States Military, Reserves, or National Guard. [(1)] The spouse or a dependent of a[an active-duty] member of the [Armed Forces of the] United States Military, Reserves, or National Guard may apply for licensure by endorsement by submitting:
- (1) A completed f"Application for Licensure by[Through] Endorsement[as a Massage Therapist," June 2021];
- (2) A recent fingerprint-supported background check performed by the Kentucky State Police and the Federal Bureau of Investigation. The required background check shall be applied for within the ninety (90) days preceding the date of submission of the application for licensure to the board;
- (3) A two (2) inch by two (2) inch or larger passport quality color head shot photograph of only the applicant, which is attached to the application form. The photograph submitted with the application shall be taken within the previous six (6) months to reflect the current appearance of the applicant;
- (4) The appropriate fee for licensure as required by 201 KAR 42:020, Section 2(1), unless prohibited by a Kentucky Revised Statute;
- (5) Proof that the applicant holds a valid license or certificate for the profession issued by another state, the District of Columbia, or any possession or territory of the United States;
- (6) Proof they are married to or a dependent of a[an active-duty] member of the [Armed Forces of the] United States Military, Reserves, or National Guard; and
- (7) Proof that the applicant's spouse or family member is assigned to a duty station in this Commonwealth pursuant to the official **[active-duty]** orders.

Section 3. Criminal History. *[(4)]* An applicant with a criminal history, excluding minor traffic violations, may be required to be interviewed by the board's Application Committee prior to licensure to find if the applicant complies with the requirement for good moral character established in KRS 309.358(1)(c), and the interview shall be conducted pursuant to the board's authority under KRS 309.355(2) and KRS 309.362(1)(b), and in accordance with KRS 335B.010 to 335B.070.

Section 4. Appeals. (1) An applicant may appeal the denial of his or her licensure application by requesting a hearing in accordance with KRS 309.362(2).

(2) In order to request a hearing, the applicant shall file a notice of appeal in writing within thirty (30) days of the date of the letter informing the applicant of the denial.

Section 5. Incorporation by Reference. (1) The "Application for Licensure by[Through] Endorsement [as a Massage Therapist]", March 2022[June 2021], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Professional Licensing, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. The board's Web site address is: https://bmt.ky.gov/.

CONTACT PERSON: Kevin Winstead, Commissioner, Department of Professional Licensing, 500 Mero Street, phone (502) 782 - 8805, fax (502) 564-3969, email KevinR.Winstead@ky.gov.

MATERIAL INCORPORATED BY REFERENCE

At the time that it files this staff suggested amendment, the agency needs to file one (1) clean copy of the "Application for Licensure by Endorsement" that:

- Includes the March 2022 Edition Date
- Makes changes for clarity and consistency with the changes made to Section 2 of the administrative regulation



P.O. Box 1360, Frankfort, KY 40602 500 Mero Street 2SC32, Frankfort, KY 40601 (Overnight Delivery Only) Ph: 502-782-8810 ~ Fax: 502-564-4818 ~ https://bmt.ky.gov Form Revision Date: March 2022

Fee Received:

APPLICATION FOR LICENSURE BY ENDORSEMENT

INSTRUCTIONS

- Refer to KRS 309.358 and 201 KAR 42:070.
- Type or print the Required Application Information legibly and complete it in its entirety.
- Attach continuation sheets if more space is needed to provide information.
- In the presence of a Notary, sign and date the application.
- Enclose the *non-refundable* fee of \$200.00. All fees paid by check or money order shall be made payable to **Kentucky State Treasurer**. DO NOT SEND CASH.
 - -- For applicants who are spouses or dependents of a member of the United States Military, Reserves, or National Guard, see 201 KAR 42:070 Section 2 regarding the fee.
- Mail your application to the Kentucky Board of Licensure for Massage Therapy, either by mail to: P.O. Box 1360, Frankfort, KY 40602 or by overnight delivery to: 500 Mero Street 2SC32, Frankfort, KY 40601.

REQUIRED APPLICATION INFORMATION

Last Name	First Name	Middle Initial	Maiden
Home Address: Street	City	County State	Zip Code
Business Name			
Business Address: Street	City	State	Zip Code
() -		1 1	
Primary Phone Number	Social Security Number	Date of Birth	Email Address

MILITARY SPOUSES AND DEPENDENTS ONLY NEED TO ANSWER #1 - #9

 ☐ Yes ☐ No Are you the spouse or dependent of a member of the United States Military, Reserves, or National Guard?
If "yes", provide proof of: i. your marriage or dependency to a member of the United States Military, Reserves, or National Guard; ii. their assignment to a duty station in Kentucky; AND iii. a valid license or certificate for the profession issued by another state, the District of Columbia, or any possession or territory of the United States.
2. \square Yes \square No \square Is a two (2) inch by two (2) inch or larger passport quality color head shot photograph of only the applicant taken within the previous six (6) months to reflect the current appearance of the applicant attached to this application?
3. \square Yes \square No Have you been convicted of a misdemeanor or violation? If yes, attach an explanation of the incident which resulted in the conviction and official court documentation showing the disposition of your case. Minor traffic violations do not require official documentation. KRS 309.358(1)(c)[(3); KRS 335B.010 to 335B.070.
4. \square Yes \square No Have you been convicted of a felony, including a plea of <i>nolo contendere</i> , a guilty plea, or entry into a diversionary agreement? If yes, attach an explanation and official court documentation showing the disposition of your case.
5. \square Yes \square No Are you or have you ever been licensed, certified or registered as a massage therapist, or any other health care or professional occupation in any other state or jurisdiction? If yes, list every one below. Attach additional pages, if necessary. Attach a copy of the license or registration and a letter of good standing/verification showing any disciplinary status for each state where you hold or have held a license.
State or Municipality License/Cert/Registration Number Date Issued Expiration Date
6. \square Yes \square No Have you been subjected to disciplinary action, including voluntary relinquishment, by a state or local government licensure board, NCBTMB, or a professional association of massage therapy? If yes, attach an explanation and supporting documentation.
7. \square Yes $\ \square$ No $\ $ Is your license under disciplinary review in another state for massage therapy, or any other occupation or profession? If yes, attach an explanation and supporting documentation.
8. \square Yes \square No Has another state or jurisdiction denied your application for license as a massage therapist, or any other health care or professional occupation? If yes, attach an explanation and supporting documentation.

125 clock hours 200 clock hours 200 clock hours 40 clock hours	s of anatomy, physiolo s of massage/bodywor s related to the busine of pathology; and						
35 clock hours at the school's discretion? If so, submit an official transcript to the licensure board, in an envelope sealed by the school and mail							
•	ol with the clock hour b						
List all massage thera	py schools attended o	n the lines below. Attac	:h additional she	ets if necessary.			
Name of School	City, State	Dates Attended	Type of De	egree or Diploma			
NCBTMB exam; MBI licensing exam; the Sexam results shall be testing agency. What exam did you ta	Ex exam; FSMTB ex State of New York Ma sent directly to the Ke ake?	yed as a Massage The	CA exam; Ohiong exam). Licensure for Massage	Massage Therapy sing or certification the Therapy from the stall employment,			
beginning with currenthis information.	t employment. If additi	onal space is needed, a	ttach an addition	al sheet containing			
Name of Facility	City, State	e Dates of Em	ployment	Position			
	·		104				
attach a copy of your work in the United Sta	U.S. Department of In	e United States? If no, nmigration documents v	list your country which grant you	of citizenship and legal permission to			
Country							

KENTUCKY STATE POLICE AND FBI BACKGROUND CHECK REMINDER

- All applicants for licensure are now required to submit a recent fingerprint-supported background check performed by the Kentucky State Police (KSP) and Federal Bureau of Investigation (FBI).
 The required background check shall be applied for within ninety (90) days before the date of the application for licensure.
- If you have completed the required background check and received a copy, please attach a copy to your application.
- If you have not applied for a background check, please attach a letter to your application explaining why you have not completed the background check and state how much additional time you need to complete the requirement. The board shall allow additional time for applicants submitting documented proof of a medical disability, illness, or military service that preclude timely submission of the background check.
- Warning: Applications received without a completed background check or letter of explanation will be denied as incomplete applications.
- For the current procedures on how to obtain official KSP and FBI background checks (also known as an identity history summary), please contact the KSP and FBI for their current procedures. Further information about current procedures may also be found at: FBI.GOV and https://kentuckystatepolice.org/background-checks.

	APPLICANT AF	FIDAVIT		
I, the applicant named in the above, do herel complete to the best of my knowledge and b or falsification on this application, the Kentuc	elief. I am aware that, she	ould investigation at ar	ny time disclose any mi	srepresentation
Date	Applica	ant Signature		
		1		3
Subscribed and sworn before me this _	day of	* ",	, 20	
Notary Public Signature	County	State	Notary Commis	sion Expires
Place Notary Seal Here:				



Andy Beshear Governor

P. O. Box 1360 Frankfort, Kentucky 40602 Phone (502) 782-8808 Fax (502) 564-4818 http://bmt.ky.gov MAR 3 2022

ARRS

March 3, 2022

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: 201 KAR 42:080, Programs of massage therapy instruction.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 42:080, the Board of Licensure for Massage Therapy proposes the attached amendment to 201 KAR 42:080.

Sincerely,

Kevin R. Winstead, Commissioner
Department of Professional Licensing
(Contact person for this regulation)
On behalf of: Board of Licensure for Massage Therapy
P. O. Box 1360, Frankfort, Kentucky 40602

KevinR.Winstead@ky.gov Office: 502-782-8805



Final, 2/22/2022

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS Board of Licensure for Massage Therapy

201 KAR 42:080. Programs of massage therapy instruction.

RELATES TO: KRS 309.352(2), *(9)*, 309.355(1), (3), 309.358(1)(f), 309.362,[309.358(4),] 309.363(1), 309.3631

STATUTORY AUTHORITY: KRS 309.355(1), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.352(2) requires the board to define licensed health-care professionals for the supervision of massage therapy students in clinical settings. KRS 309.355(1) requires the board to administer and enforce the provisions of KRS 309.350 to 309.364. KRS 309.355(3) requires the board to promulgate administrative regulations on standards of massage therapy educational program curriculum and instructor qualifications. KRS 309.358(1)(f)[(4)] requires the board to approve massage therapy training programs. KRS 309.363 requires board approval of massage therapy programs of instruction and establishes instructor qualifications. KRS 309.3631 requires the annual renewal of certificates of good standing, documentation of program updates, personnel changes, graduation rates, [and] licensing examination rates, and the payment of a fee. This administrative regulation establishes the definitions of supervision and qualifying supervisors and establishes the process for issuing and renewing the Certificate of Good Standing to a program of massage therapy education.

Section 1. Definitions. (1) "Adjunctive course" means a course in a program of education that enhances the career of a massage therapist, but is not massage theory, technique, or practice.

- (2) "Clinic" or "clinical" means a setting in which students are provided with on-site supervision and training in the practice of massage therapy.
- (3) "Clinical coordinator" means the instructor of a massage therapy course in which students are assigned to perform massage therapy sessions on non-students, on or off-campus, and who is responsible for assigning the student to a clinical setting, supervising student performance through regular consultation with the student, and evaluating student achievement of clinical course objectives.
 - (4) "Externship" means a course offered by an approved program that:
 - (a) Has a syllabus that describes objectives and evaluations; and
- (b) Is over and above the [six hundred (]600[]] supervised curriculum hours required for licensure.
- (5) "Other licensed healthcare professional" means a practitioner as established in KRS 309.352(9)(a) through (c), (e), and (f) who may supervise a massage therapy student in a business.
- (6) "Supervision" means the process of verifying attendance, assigning work, consulting with the student, evaluating student performance, and being available for emergency assistance.

Section 2. (1) <u>To apply for a Certificate of Good Standing, a[A]</u> program <u>of massage therapy instruction</u> shall file a completed, signed, and dated Certificate of Good Standing for a Massage Therapy Training Program Initial Application Form and required documentation with the board, meeting the requirements established in KRS 309.363(1)[, (a), (b), and (c)], and pay the fee set forth in 201 KAR 42:020, Section 2(11), and if applicable, in Section 2(13)[(10)]. Documentation shall include:

- (a) A copy of the current license to operate issued by the Kentucky Commission for Proprietary Education, the Council on Postsecondary Education, or their equivalent in the state in which the school is conducting classes:
- (b) A curriculum statement as described in KRS 309.363(1)(b)[1, 2, 3, 4, and 5] showing clock hours for each of the required subjects;
- (c) A listing of instructional staff and their qualifications, as described in KRS 309.363(1)(c)1., 2., and 3. including:
 - 1. Documentation of current Kentucky licensure of massage instructors; and
- 2. A resume, curriculum vitae, or PE-11 form, which is incorporated by reference in 791 KAR 1:010, for all instructors showing the specific qualifications for teaching an adjunctive or science course;
- (d) A description of the policies and procedures in place for collecting and analyzing data about the quality and effectiveness of educational programs including student progress, completion, and licensure;
 - (e) A copy of the program or school catalogue;
 - (f) Documentation of accreditations held by the program or school offering the program; and
- (g) A copy of a student contract agreeing not to accept compensation for massage therapy services provided prior to licensure by the board.
- (2)(a) A school may be presumed to have met the qualifications in subsections (1)(b) and (c) of this section if:
- 1. It holds a current designation of "Approved School" from the National Certification Board of Therapeutic Massage and Bodywork; or
- <u>2. It has the designation of "accredited" or "COMTA-endorsed curriculum" from the Council for Massage Therapy Accreditation.</u>
- (b) The designation shall[must] have been current for the time period the Certificate of Good Standing is to be requested.
- (3) After a [preliminary] determination is made, [by the board after an initial review,] an applicant that has been [preliminarily] denied shall be entitled to a hearing on the denial in accordance with KRS Chapter 13B if the applicant notifies the board in writing [by certified mail] within thirty (30) days that it desires [elects to take advantage of that opportunity for] a hearing.
- Section 3. (1)(a) A Certificate of Good Standing may be renewed upon submission of the *[Renewal_Application for a]* Certificate of Good Standing *for[ef]* a Massage Therapy Training Program *Renewal Application*[Renewal Short Form or the Certificate of Good Standing for a Massage Therapy Training Program Renewal Application Long Form] with the information required by this administrative regulation to the board and payment of the fee set forth in 201 KAR 42:020, Section 2(12)[(11)], on or before the anniversary date of issue of the certificate.
- (b) The Certificate of Good Standing for a Massage Therapy Training Program Renewal Application Submission of the Certificate of Good Standing for a Massage Therapy Training Program Renewal Application Long Form shall include:
- 1. The current complete name, address, email address, Web site, and telephone number of each location in which the massage therapy training program is provided;
 - 2. The name and contact information of the owner;
- 3. Documentation of the items required in Section 2 of this administrative regulation if these have changed since the program's initial application or last renewal;
- 4. A statement with supporting statistics to show student completion, examination pass rates, licensure rates, and placement rates; [and]
- 5. A statement with supporting documentation showing proof that at least seventy (70) percent of the graduates of the program who have taken the MBLEx or other board approved examinations over the twelve (12) months prior to application have received a passing score. This statistical report from the examination company shall be computed for the twelve (12) months,

which ends thirty (30) days prior to the certificate anniversary date. Failure to supply proof of meeting this standard shall be grounds for denial of a program's request for certification of good standing:[-] and

6. A curriculum statement for new programs of massage therapy added to the school's original offering, such as an associate's degree program, if the new program may be used to meet initial qualifications for licensure; and

- (c) [Submission of the Application for a Certificate of Good Standing of a Massage Therapy Training Program Renewal Short Form shall include d] Documentation of changes to any of the following items, if these have changed since the program's initial application or last renewal, shall be filed with the board within sixty (60) days of the change:
 - 1. The contact information for the school;
 - 2. The instructional staff:
 - 3. The qualifications of an instructor;
 - 4. The curriculum;
 - 5. The massage therapy programs offered; [or]
 - 6. The program's accreditation; and[-]
- <u>7.[(d)]</u> [Each Short Form shall include u]Updated information on student completion, examination pass rates, licensure rates, and placement rates.
 - [(e) Submission of documentation [with the Short Form] may include:
- 1. The current complete name, address, email address, Web site, and telephone number of each location in which the massage therapy training program is provided;
- 2. The current listing of instructional staff and their qualifications as described in KRS 309.363(1)(c)[1., 2., and 3.], with attached documentation of qualifications and Kentucky licensure of new instructors;
- 3. A current curriculum statement as described in KRS 309.363(1)(b)[1, 2, 3, 4, and 5];
- 4. A curriculum statement for new programs of massage therapy added to the school's original offering, such as an associate's degree program, if the new program may be used to meet initial qualifications for licensure;
- 5. A statement with supporting statistics to show student completion, examination pass rates, licensure rates, and placement rates;
- 6. Documentation of accreditation reviews and renewals, if held; and
- 7. A statement with supporting documentation showing proof that at least seventy (70) percent of the graduates of the program who have taken the MBLEx or other board approved examinations over the twelve (12) months prior to application have received a passing score. Failure to supply proof of meeting this standard shall be grounds for denial of a program's request for certification of good standing.]
- (2) After a [preliminary] determination is made [by the board after an initial review], an applicant seeking renewal that has been[preliminarily] denied shall be entitled to a hearing on the denial in accordance with KRS Chapter 13B if the applicant notifies the board in writing [by certified mail] within thirty (30) days that it desires[elects to take advantage of that opportunity for] a hearing.
- Section 4. Notifications to Students of Changes in Status. (1) A program of massage therapy instruction shall notify current students in writing of any changes in status of its Certificate of Good Standing from the Commonwealth of Kentucky within thirty (30) days of that change in status. The notice shall include an explanation of the specific actions taken to remedy the problem
- (2) The program of massage therapy instruction shall provide proof to the board of this notification within ten (10) days of the notification.

<u>Section 5.</u> Externships and Clinicals. (1) A student completing an externship or clinical experience shall not receive compensation.

(2) Massage schools or businesses that provide any type of student massage shall conspicuously include the respective words "student massage" in all promotional materials, and shall conspicuously display a written notice in the waiting room or treatment area that services are being provided by a student.

(3) Clinical courses awarding credit hours toward the 600 hours required for licensure shall be supervised by a licensed massage therapist with at least three (3) years of experience in the

practice of massage therapy and who is available for on-site consultation.

(a) Massage sessions offered as part of a student clinic shall be evaluated by the instructor, and applicable goals for improvement in areas such as customer service, technique, body mechanics, and draping shall be established according to the needs of the student.

(b) Student massage clinics shall be supervised by a massage therapy instructor in the clinic.

(c) Student clinic client records shall be maintained at the school and shall meet the record keeping requirement established in <u>201 KAR 42:061[201 KAR 42:060]</u>, Section 2(1)(f)[(d)] and the Standards for Documentation established in <u>201 KAR 42:061[201 KAR 42:060]</u>, Section 3. Record of payment shall be made available to the client upon request.

(4) The instructor of the externship course shall provide:

- (a) Clear, written learning objectives to students and their site supervisors;
- (b) Planned opportunities to discuss the externship experience at regular intervals with the student, and with the site supervisor; and
- (c) A mechanism for evaluating student performance in the externship experience, presented to the student and the site supervisor at the beginning of the course.
- (5) A program offering an externship course shall have a written agreement signed by the institution's representative or program director and the externship site personnel that clearly defines the responsibilities of the onsite supervisor, the clinical coordinator, and the student. An externship course shall be limited to no more than twenty (20) percent of the total program hours. The externship course, if offered, shall be completed after the primary 600 supervised curriculum hours required by KRS 309.358(1)(f)[(4)].
- (6) A program offering an externship course shall have liability insurance to cover student activities within the course.
- (7) Externship sites shall have a licensed massage therapist or other licensed healthcare professional onsite to be available for emergencies or consultation.
- (a) Externs may accrue hours for reception, documentation, or business-related activities other than hands-on massage services while the site supervisor is off-premises.
- (b) A student session at an externship site may occur with the site supervisor available by phone if the client of the session is on the staff of the externship site or is another extern, and a member of the professional staff is on premises for emergency assistance.
- (8) Externship client records shall be maintained at the externship site and shall meet the record keeping requirement established in <u>201 KAR 42:061[201 KAR 42:060]</u>, Section 2(1)(d) and the Standards for Documentation established in <u>201 KAR 42:061[201 KAR 42:060]</u>, Section 3. Record of payment shall be available to the client upon request.

Section 6. (1) A program of massage therapy instruction which fails to uphold the standards set in KRS 309.363 shall notify the board *in writing* within ten (10) days of the lapse. The failure to uphold the standards, and the failure to notify the board in a timely manner, may result in a fine and probation as determined by the board *pursuant to KRS 309.362* to allow time to reattain the standard. Graduates from the program during the period of non-compliance and the probationary period may be considered for licensure. If there is a failure to meet standards and the program's Certificate of Good Standing is revoked, the board shall not consider graduates of the program to have met the educational requirements for licensure after the revocation.

- (2) The loss of a qualified instructor shall be remedied within thirty (30) days. The use of an unqualified instructor to substitute in the program may result in revocation of the Certificate of Good Standing and a fine of fifty (50) dollars.
- (3) Proof of the exam rate from the administering agency for twelve (12) months ending thirty (30) days prior to the renewal date shall be submitted with the *Certificate of Good Standing for a Massage Therapy Training Program* Renewal Application.
- (a) The first incidence of failure to maintain the required license exam pass rate for this twelve (12) month period shall result in a probationary period during which graduates of the program may still be considered by the board for licensure.
- (b) A second failure within a five (5) year period may result in revocation of the Certificate of Good Standing, and graduates of the program may no longer be considered for licensure by the board unless they graduate from another approved program of massage therapy instruction.
- (c) **Pursuant to KRS 309.362**, the board may set a fine per violation of failure to maintain the required exam pass rate.
- (4) *If[When]* filing *[an Application for Renewal of]* a Certificate of Good Standing *for a Massage Therapy Training Program Renewal Application* while on probation, the school shall explain in writing specific actions taken to remedy the problem.

Section 7. Sale or Other Change in Ownership. *If[In the event]* the school is sold or is otherwise transferred, the school shall notify the board *in writing* within thirty (30) days of transfer of the new ownership, and provide updated information regarding the ownership structure, contact information, and any staff or curriculum changes.

<u>Section 8.[Section 5.]</u> Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Certificate of Good Standing for a Massage Therapy Training Program Initial Application Form", November 2021[September 2015]; and
- (b) ["Application for a Certificate of Good Standing of a Massage Therapy Training Program Renewal Short Form", September 2015; and
- (e)] "Certificate of Good Standing for a Massage Therapy Training Program Renewal Application[Long Form]", *March 2022[November 2021]*[September 2015].
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the <u>Department of Professional Licensing</u>, 500 Mero Street, Frankfort, Kentucky 40601[Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601], Monday through Friday, 8:00 a.m. to 4:30 p.m. <u>The material is also available on the board's Web site at https://bmt.ky.gov/.</u>

CONTACT PERSON: Kevin Winstead, Commissioner, Department of Professional Licensing, 500 Mero Street, phone (502) 782 - 8805, fax (502) 564-3969, email KevinR.Winstead@ky.gov.

MATERIAL INCORPORATED BY REFERENCE

At the time that it files this staff suggested amendment, the agency needs to file <u>one (1)</u> <u>clean copy</u> of the "Certificate of Good Standing for A Massage Therapy Training Program Renewal Application" that:

- Includes the March 2022 Edition Date
- Makes changes for clarity and consistency with the changes made to Section 3 of the administrative regulation



KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY P.O. Box 1360, Frankfort, Kentucky 40602 500 Mero St., 2 SC 32, Frankfort, Kentucky 40601 (Overnight Delivery Only)

Form Revision Date: March 2022

Fax: (502) 696-5230 ~ https://bmt.ky.gov

Certificate of Good Standing for a Massage Therapy Training Program Renewal Application INSTRUCTIONS

- 1. All programs shall renew annually. Refer to KRS 309.363 and 201 KAR 42:080 in completing this application.
- 2. The *nonrefundable* fee for a renewal Certificate of Good Standing is \$75. All fees paid by check or money order shall be made payable to Kentucky State Treasurer. DO NOT SEND CASH.
- 3. Submit a signed application form, typed or printed legibly and completed in its entirety.
- 4. Attach continuation sheets if more space is needed to provide information.
- 5. This completed renewal application should be submitted to the Kentucky Board of Licensure for Massage Therapy either by mail to P.O. Box 1360, Frankfort, KY 40602 or by delivery to 500 Mero Street, 2 SC 32, Frankfort, KY 40601.

APPLICATION

Attach a copy of the current license to operate, issued by either Kentucky Commission for Proprietary Education,

Kentucky Council on Postsecondary Education, or their equivalent in other states. Label as Exhibit A.

	Either attach a listing of instructional staff and their qualifications, including a copy of the current Kentucky license for each instructor, and a resume, curriculum vitae, or PE-11 form showing their qualifications for teaching an adjunctive or science course and label as Exhibit B or request verification be sent directly to the Kentucky Board of Licensure for
	Massage Therapists (KBLMT) from the agency which granted your program designation of "Approved School" from the
	National Certification Board of Therapeutic Massage and Bodywork or the designation of "accredited" or "COMTA-
	endorsed curriculum" from the Council for Massage Therapy Accreditation. The designation must have been current
_	for the time the Certificate of Good Standing is requested.
L	List and describe your school's policies and procedures for collecting and analyzing data about the quality and
П	effectiveness of its' educational programs including student progress, completion and licensure. Label as Exhibit C.
	Submit a copy of the program or school catalogue. Label as Exhibit D.
	Attach documentation of accreditations held by your program or school. Label as Exhibit E.
لــا	Submit a copy of your school's student contract, agreeing not to accept compensation for massage therapy services provided prior to licensure by the board. Label as Exhibit F.
	Include policies and procedures for collecting statistics that show evidence of continued instructional quality. Label as
	Exhibit G. These statistics shall include but are not limited to:
	a. Number of students enrolled vs. number completing the program
	b. Exam pass rates
	c. Licensure rate of those graduating
	d. Placement rates
	Provide a statement with supporting statistics to show student completion, examination pass rates, licensure rates, and placement rates.
	Attach a curriculum statement as described in KRS 309.363(1)(b) showing clock hours for each of the required subjects, as shown in the Curriculum Verification Form below. This shall also include new programs of massage therapy added to the school's original offering, such as an associate's degree program, if the new program may be used to meet initial qualifications for licensure.

graduates of the p months prior to th	rogram who have ta e application have r	ocumentation showing ken the MBLEx or othe eceived a passing score velve (12) months, whic	r board approved . This statistical re	examinations eport from the	over the twelve (12) examination
	5	SCHOOL CONTACT	NFORMATION		
School Name				Date	
Street Address	titere	City	County	State	Zip Code
Telephone Number		Fax Number		Website Ad	dress
Program Contact Person's	Name	Title			
Program Contact Person's	Address	City		State	Zip Code
Program Contact Person's	Phone Number	Fax Number		Email Addre	ess
School Owner, individual, o	or entity. (If corporate, also	list the owner of the corporatio	n)		
Street Address		City		State	Zip Code
Telephone Number		Fax Number	Em	ail Address	
Branch Na	me	If there are no branch	Idress		Phone Number
		LINICAL TRAINING I			
Location Name	mation on location and Location Addres	supervision for each clinics Supervisor		Use additional isor's Title	pages, if necessary. Supervisor's Phone

KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY CURRICULUM VERIFICATION FORM

curriculum and list the number of clock hours included in that course. If the course contains multiple subjects, list the clock hours related to each required subject in the appropriate box. An example is provided. NOTE: This form should be completed by the Program Administrator rather than the applicant. DIRECTIONS: Kentucky Licensure requires that an applicant must complete 600 hours of massage therapy education. Enter the course number and name of each course in your

TOTAL							Example MT 102	Course Number
							Massage Theory and Practice	Course Name
/125							10	Anatomy, Physiology & Kinesiology (125 hrs. required)
/200							30	Massage Theory Technique & Practice (200 hrs. required)
/200							W	Business of Massage (200 hrs. required)
/40							2	Pathology (40 hrs. required)
								Other (35 hrs. required)
						Hitter and the second s	45	Total Hours in Course

CERTIFICATION

Massage Therapy is true and correctin its entire in KRS Chapter 309 and all rules and regulation	ty. In addition, I hereby pledge to follow all standards set οι					
School Official's Name	Title					
School Official's Signature	 Date					

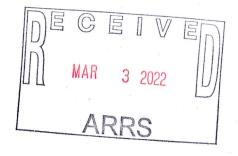


KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY

Andy Beshear Governor

P. O. Box 1360 Frankfort, Kentucky 40602 Phone (502) 782-8808 Fax (502) 564-4818 http://bmt.ky.gov

March 3, 2022



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: 201 KAR 42:110, Continuing education requirements.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 42:110, the Board of Licensure for Massage Therapy proposes the attached amendment to 201 KAR 42:110.

Sincerely,

Kevin R. Winstead, Commissioner
Department of Professional Licensing
(Contact person for this regulation)
On behalf of: Board of Licensure for Massage Therapy

On behalf of: Board of Licensure for Massage Therapy P. O. Box 1360, Frankfort, Kentucky 40602

KevinR.Winstead@ky.gov

Office: 502-782-8805

cc: Carrie Nichols



Final, 1-26-2022

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS Board of Licensure for Massage Therapy

201 KAR 42:110. Continuing education requirements.

RELATES TO: KRS 309.350, 309.351, 309.355, 309.361

STATUTORY AUTHORITY: KRS 309.355(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(3) requires the board to promulgate an administrative regulation establishing a requirement for continuing education as a condition for renewal of a license. KRS 309.361 identifies the requirements for continuing education and prescribes the types of courses required during the renewal period. This administrative regulation establishes the procedures and standards for submitting documentation to meet the continuing education requirements for renewal of a license.

Section 1. Definitions. (1) "ABMP" means the Associated Bodywork and Massage Professionals.

- (2) "AMTA" means the American Massage Therapy Association.
- (3) "AOBTA" means the American Organization for Bodywork Therapies of Asia.
- (4) "Board" is defined by KRS 309.350(1).
- (5) "CE hour" means continuing education hours consisting of fifty (50) minutes of an organized learning activity that is either didactic or clinical experience and **excludes[shall exclude]** meals, breaks, and registration.
- (6) "Competency" means the study, development, and demonstration of knowledge and skills in meeting professional expectations as a massage therapist.
- (7) "Continuing education" means participation in an approved program or learning experience that is designed to facilitate continued competency including ethical and legal practice in the therapeutic massage and bodywork profession through participation in a learning process that enhances the licensee's current knowledge, skills, and abilities in the profession.
 - (8) "FSMTB" means the Federation of State Massage Therapy Boards.
- (9) "NCBTMB" means the National Certification Board for Therapeutic Massage and Bodywork.
- (10) "NCCAOM" means the National Certification Commission for Acupuncture and Oriental Medicine.
- (11) "Provider" means an organization, entity, or individual that has met the requirements of the board to provide educational courses that are designed to ensure continued competence in the practice of massage therapy.
- (12) "Self-paced learning" means a course designated for an individual to learn at his or her own pace and is often referred to as correspondence or home study with testing or an evaluation process.

Section 2. Accrual of CE Hours; Computation of Accrual. (1) A licensee shall accrue a minimum of twelve (12) CE[twenty-four (24) continuing education] hours during a two (2) year licensure period for renewal of a license, beginning on the date of license issue.

- (2) A minimum of three (3) of the <u>twelve (12)[twenty-four (24)]</u> hours required by subsection (1) of this section shall be accrued in the field of professional ethics.
 - (3) All CE hours shall be in or related to the practice of massage therapy.

(4) Coursework related to the rapeutic techniques conducted on animals shall not be approved for continuing education credit.

Section 3. Acquisition of CE Hours. (1) CE hours applicable to the renewal of a license shall be directly related to the professional growth and development of massage therapy practitioners. CE hours may be earned by completing any of the educational activities described in this subsection.

- (a) Courses Not Requiring Board Review and Approval. Courses from the following sources shall be relevant to the practice of massage therapy and shall be approved if the course is in or relates to massage therapy and does not violate any of the prohibitions contained in this administrative regulation:
 - 1. Courses and Learning Opportunities approved by the NCBTMB;
 - 2. Courses offered by the AMTA and its state affiliates;
 - 3. Courses approved by the NCCAOM;
 - 4. Courses offered by the AOBTA and its state affiliates;
 - 5. Courses offered by the ABMP;
- 6. Kentucky board approved massage therapy programs of instruction or massage therapy programs duly licensed to operate in other states;
- 7. Relevant academic courses completed in a degree-granting college or university accredited by an agency that is approved by the Council on Higher Education Accreditation (CHEA); or
 - 8. Courses offered by the FSMTB.
- (b) Programs Requiring Board Review and Approval. All other programs, including self-paced learning courses and in-service training provided by organizations, educational institutions, or other service providers not listed in paragraph (a) of this subsection, and programs or academic courses presented by the licensee shall require approval by the board.
- (c) Required Training for pulsed electromagnetic field (PEMF) or microcurrent devices. Massage therapists who use PEMF therapy or microcurrent devices shall be able to prove training in the use of the device they employ. *This[Such]* training may be provided by entities described in *subsection[Section 3]*(1)(a) and (b) *of this section*, or by the manufacturer of the device if the Applications Committee reviews the training and finds that it provides clear guidelines for proper application, indications, and contraindications. Manufacturer training *shall[will]* not be considered for CE credit unless the training has been approved by the board as described in *subsection[Section 3]*(1)(b) *of this section*.
- (2) Presenters of relevant programs or academic courses may earn double continuing education credit for the length of presentation time, not to exceed six (6) CE[twelve (12)] hours per renewal cycle.
 - (3) Credit shall not be issued for repeated instruction of the same course.
- (4) A licensee shall not receive credit for completing the same CE course within the two (2) year renewal period.

Section 4. Documentation of CE Hours. (1) A licensee shall furnish the following information regarding completion of the appropriate number of CE hours for the current renewal period:

- (a) Name of course, date, and the author or instructor;
- (b) Name of providing organization and the location of the course;
- (c) The number of hours attended;
- (d) Provider number;
- (e) Provider name and telephone number for board verification;
- (f) Official transcripts with a raised seal showing academic credits and grades awarded if courses are received from a university, college, or vocational technical adult education facility; and
 - (g) Documentation of completion, if requested by the board.

(2) A licensee who supplies false information to the board in order to comply with the CE requirements of this administrative regulation shall be subject to disciplinary action that may include suspension or revocation of license.

Section 5. Procedures for Preapproval of Continuing Education Courses. (1) An entity seeking to obtain approval of a continuing education course prior to its offering shall complete a Continuing Education Program Application and submit it to the board at least sixty (60) days in advance of the commencement of the course, stating the:

- (a) Type of learning activity;
- (b) Subject matter:
- (c) Names and qualifications of the instructors;
- (d) Number of CE[continuing education] hours offered; and
- (e) Statement of how the CE course relates to massage therapy.
- (2) A CE activity shall be preapproved if the activity being presented:
- (a) Is an organized course of learning;
- (b) Pertains to subject matters that integrally relate to the practice of massage therapy;
- (c) Contributes to the professional competency of the licensee; and
- (d) Is conducted by an individual with approved educational training or experience.
- (3) The board shall review preapproval requests meeting the board's deadline at the board meeting immediately following the submittal and receipt of all required materials. An entity shall submit a preapproval request, and all required materials shall be received by the board at least one (1) business day before the board meeting. The board may defer a preapproval request to the next board meeting if the request did not meet the deadline established in this subsection.

Section 6. Responsibilities and Reporting Requirements of Licensees. A licensee shall:

- (1) Identify the licensee's own continuing education needs, take the initiative in seeking continuing professional education activities to meet these needs, and seek ways to integrate new knowledge, skills, and attitudes;
 - (2) Select approved activities by which to earn CE hours;
 - (3) Maintain records of CE hours, for a period of two (2) years from the date of renewal; and
- (4) Document attendance and participation in a CE activity by providing official transcripts, copies of certificates, or verification of completion, if requested.

Section 7. Carry-over of CE Hours. (1) A maximum of six (6)[twelve (12)] CE hours may be carried over into the next renewal period.

- (2) A licensee shall maintain records related to carry-over <u>CE[continuing education]</u> hours and submit those <u>CE[continuing education]</u> hours to the board if the licensee elects to utilize those hours for the fulfillment of the continuing education requirement for the current renewal period.
- (3) A continuing education course shall only be used for the fulfillment of the continuing education requirement for a single renewal period and shall not be subdivided for utilization in multiple renewal periods.

Section 8. Appeal Procedure If Approval for CE Hours is Denied. If an application for approval of CE hours is disapproved, the licensee may request reconsideration by the board. The request shall be in writing and shall be received by the board within thirty (30) days after the date of the board's decision denying approval of the CE hours.

Section 9. Audit of CE Activities. The board may audit the documentation of a licensee's CE hours for the current renewal period. If notified by the board, the licensee shall respond to the audit within thirty (30) days of the date of the request.

Section 10. Waiver or Extension of Continuing Education. (1) The board shall, in individual cases involving medical disability, illness, undue hardship, active military service, or other similar extenuating circumstance that precludes the individual's completion of the requirements, waive CE requirements or grant an extension of time within which to fulfill the requirements if the board receives:

(a) A written request for waiver or extension of time; and

(b) 1. Verifying documentation signed by a licensed physician or proper military personnel, if applicable; or

2. Documentation to support the waiver.

(2) A waiver of the minimum CE requirements or an extension of time within which to fulfill the CE requirements may be granted by the board for a period not to exceed one (1) calendar year. If the circumstance extends beyond the period of the waiver or extension, the licensee shall reapply for the waiver or extension.

Section 11. Incorporation by Reference. (1) "Continuing Education Program Application", <u>June 2021[August 2014]</u>, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the <u>Department of Professional Licensing</u>, 500 Mero Street, Frankfort, Kentucky 40601[Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40602], 8:00 a.m. to 4:30 p.m. The board's Web site address is: https://bmt.ky.gov/.

CONTACT PERSON: Kevin Winstead, Commissioner, Department of Professional Licensing, 500 Mero Street, phone (502) 782 - 8805, fax (502) 564-3969, email KevinR.Winstead@ky.gov.



TOURISM, ARTS AND HERITAGE CABINET KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

Andy Beshear Governor #1 Sportsman's Lane Frankfort, Kentucky 40601 Phone (502) 564-3400 Fax (502) 564-0506

March 3, 2022



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: 301 KAR 5:001, Definitions for 301 KAR Chapter 5; 301 KAR 5:030 Purchasing licenses and permits; and 301 KAR 5:100 Interstate Wildlife Violator Compact.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 5:001, Definitions for 301 Chapter 5; 301 KAR 5;030 Purchasing licenses and permits; and 301 KAR 5:100 Interstate Wildlife Violator Compact, proposes the attached amendment to 301 KAR 5:001; 301 KAR 5:030; and 301 KAR 5:100.

Sincerely,

Beth Frazee

Beth Frazee, Program Coordinator Kentucky Fish and Wildlife Resources 1 Sportsmen's Lane, Frankfort, KY 40601



SUGGESTED SUBSTITUTE

Final Version: 3/2/2022 10:42 AM

TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources

301 KAR 5:001. Definitions for 301 KAR Chapter 5.

RELATES TO: KRS 150.195

STATUTORY AUTHORITY: KRS 150.195

NECESSITY, FUNCTION, AND CONFORMITY: <u>KRS 150.195 requires the department to promulgate administrative regulations. This administrative regulation establishes definitions for [To define the]</u> terms used in 301 KAR Chapter 5.

Section 1. Definitions. (1) "Agents of county clerks" means the business establishments included on the list submitted to the department by county clerks of their authorized license agents as of July 16, 1994.

- (2) "Commission" is defined by KRS 150.010(6)[(4)].
- (3) "Commissioner" is defined by KRS 150.010(7)[(5)].
- (4) "Department" is defined by KRS 150.010(11)[(8)].
- (5) "License agent" means a county clerk, government office, or business authorized to sell licenses and conduct other transactions for the department.
- (a) "Governmental agent" means a license agent who is a county clerk or the representative of another federal, state, or local governmental entity.
- (b) "Out-of-state agent" means a license agent who sells licenses at a location outside the boundaries of Kentucky.
 - (6) "License stock" means the blank paper upon which licenses are printed by the POS device.
- (7) "POS device" means a point-of-sale computer terminal, printer, and associated hardware, software, and connecting cables used to generate licenses and record license sale data.
- (8) "POS licenses" means the licenses or permits authorized by KRS 150.175 and 301 KAR 3:022, which are available for sale through POS devices.
- (9) "Transaction" means the application for a hunt or the purchase or sale of a license, permit, or product[, or the application for a hunt], using a POS device at a license agent location.
- (10) "Upload" means the transfer, over telephone lines, of electronic data from the POS device to the department.

Approved by the Fish and Wildlife Commission

CONTACT PERSON: Beth Frazee, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

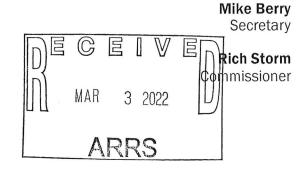


TOURISM, ARTS AND HERITAGE CABINET KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

Andy Beshear Governor

#1 Sportsman's Lane Frankfort, Kentucky 40601 Phone (502) 564-3400 Fax (502) 564-0506

March 3, 2022



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: 301 KAR 5:001, Definitions for 301 KAR Chapter 5; 301 KAR 5:030 Purchasing licenses and permits; and 301 KAR 5:100 Interstate Wildlife Violator Compact.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 5:001, Definitions for 301 Chapter 5; 301 KAR 5;030 Purchasing licenses and permits; and 301 KAR 5:100 Interstate Wildlife Violator Compact, proposes the attached amendment to 301 KAR 5:001; 301 KAR 5:030; and 301 KAR 5:100.

Sincerely,

Beth Frazee

Beth Frazee, Program Coordinator Kentucky Fish and Wildlife Resources 1 Sportsmen's Lane, Frankfort, KY 40601



SUGGESTED SUBSTITUTE

Final Version: 3/2/2022 2:28 PM

TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources

301 KAR 5:030. Purchasing licenses and permits[obtaining replacement licenses].

RELATES TO: KRS 150.090, 150.170, 150.175, 150.195, 150.235, 150.990

STATUTORY AUTHORITY: KRS 150.170, 150.175, 150.195

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.195(1) authorizes the department to promulgate administrative regulations pertaining to the issuance of licenses and permits. KRS 150.175 authorizes the department to require proof of residency and age or disability for those eligible to purchase a senior[/] or disabled combination[combination][sportsman's] license. This administrative regulation establishes[specifies] the information required to purchase a [POS] license or permit, [the information required on the license] the method of purchasing a license or permit, [how replacement] reprinting or refunding licenses or permits [may be obtained], and how to obtain a disability authorization [card].

- Section 1. <u>Purchasing Licenses or Permits.[Information Required to Purchase a POS Licenses or permits may[can]</u> be obtained:
 - (a) At license agent locations;
 - (b) At other department sponsored or approved[sponsored/approved] sites or events;[or]
 - (c) By accessing the department's online or mobile purchase portals; or[-]
- (d) By Phone. Phone sales customers **shall[will]** be issued an authorization number and **shall[must]** comply with Section 2 of this **administrative** regulation.
- (2) A person buying a [POS] license or permit shall <u>submit to[furnish]</u> the license agent the <u>applicant's[following applicant information]</u>:
 - (a)[(1) The license applicant's d]Date of birth;[and]
- (b)[(2)] One (1) of the following[An] identification numbers:[, which shall be: (a) The license applicant's:]
 - 1. Social Security number; or [or]
 - 2. Fish and Wildlife Identification number; [or
 - 3. An agency approved state or federal identification number.]
 - (c) Address, including city, state, and zip code;
 - (d) Email or[and/or] phone number;
 - (e) If purchasing a senior license, proof of age; and
- (f) If purchasing a disability license, an unexpired disability authorization issued by the department to the license applicant.[
 - (b) If buying a senior/disabled license:
 - 1. If age sixty-five (65) or over, proof of age and Kentucky residency; or
- 2. If under age sixty-five (65), an unexpired disability authorization card issued by the department and proof of Kentucky residency.]

Section 2. [Providing Information on Licenses]Proof of License or Permit. (1) Before performing an act authorized by the license or permit, the [license] holder shall [: (a)] [Sign the POS license]keep proof of license or permit purchase, whether printed, electronic, or department issued authorization number in possession at all times while performing any act authorized by the license or permit;[and]

- (b) Provide the following information, legibly in ink or indelible pencil, in the blanks provided on the POS license:
 - 1. Address, including city, state and zip code;
 - 2. Eye color;
 - 3. Hair color;
 - 4. Sex;
 - 5. Height; and
 - 6. Weight.]
 - (2) A license or permit not completed as <u>established[specified]</u> in this section shall not be valid.
- (3) A senior <u>combination</u>[/disabled combination][sportsman's] license shall not be valid unless accompanied by[:-(a)] proof of age and Kentucky residency, if the license recipient is age sixty-five (65) or over.[;-or]
- (4) A disability **combination**[sportsman's] license shall not be valid unless accompanied by proof of Kentucky residency.[
- (b) An unexpired disability authorization card issued to the license recipient, if the license recipient is under age sixty-five (65) and proof of Kentucky residency.]
- (5) The authorization number shall serve in lieu of the paper or electronic license or permit. A person using an authorization number as proof of license or permit, while performing an act authorized by the license or permit, shall carry [upon their person] and present upon request to a law enforcement officer:
 - (a) The authorization number; and
 - (b) If sixteen (16) years of age or older, identification with a picture and date of birth.
 - (6) A person using an authorization number in lieu of a deer, elk, or turkey permit shall:
- (a) Before hunting, write **the person's**[their] name, address, and applicable authorization number on a card;
- (b) Immediately after taking an animal, write the date the animal was taken, the species, and the sex of the animal on the card;
- (c) Complete any check-in procedure required for that species **and**[-] write the telecheck authorization number on the card;[and]
- (d) If the carcass is out of the hunter's possession, [the hunter shall] attach another card to the carcass containing the hunter's name, address, authorization number, date the animal was taken, species, and telecheck authorization number, if already obtained; and
- (e) Present to a law enforcement officer, upon request, the information applicable as established in this subsection.
- Section 3. [Replacement of Lost or Destroyed Licenses]Reprint or Refunding of Licenses or Permits. (1) A person whose license or permit is lost or destroyed may:
- (a) [Request a replacement license from the department] Reprint the license or permit using the reprint option available in the customer's profile on the department's Web site at

https://app.fw.ky.gov/Myprofile/default.aspx or mobile application; or

- (b) [Purchase a replacement license and request a refund from the department] Ensure an electronic version is available as <u>established[outlined]</u> in Section 2 <u>of this administrative regulation</u>.
- (2) A person <u>may request</u> [requesting] a <u>refund</u> <u>for a[er]</u>[replacement] license <u>or permit[or refund shall provide the department with]by:[(a) His name and complete mailing address;</u>
 - (b) The identification number used to purchase the original license; and
 - (c) One (1) of the following:
 - 1. A replacement fee of five (5) dollars; or
 - 2. The license number of the license he bought to replace the lost or destroyed license.
 - (3) If the department can verify the purchase of the original license, it shall:
 - (a) Void the original license; and
 - (b) Issue a:
 - 1. Replacement license; or
 - 2. Refund check for the amount of the license, less a five (5) dollar replacement fee.
- (4) A person shall not use, or present to a conservation officer or other peace officer, a license voided by the issuance of a replacement.
 - (5) The department shall not refund a license replacement fee.
- Section 4. Duplicate License Refunds. (1) <u>A person may obtain a refund for a duplicate license</u> or permit by:]
- (a) Requesting a refund from the license agent who completed the transaction if the request is made within four (4) hours of the license or permit issuance; or
- (b) For duplicate licenses or permits, by **submitting to[furnishing]** the department **[with]** the license or permit holder's:
 - 1. Identification number used to purchase;
 - 2. Date of birth;
 - 3. Last name;
 - 4. Mailing address to send the refund;
 - 5. License, permit, or authorization number of the original license or permit; and
 - 6. Reason for refund request.
- (3) Upon receipt of the refund request, and subsequent verification of the original purchase, the department shall issue a refund check for the license or permit purchased.[A person may obtain refunds for a duplicate POS license:
 - (1) From the license agent who completed the transaction, if:
 - (a) The request is made on the same day the license was issued; and
 - (b) The original license is surrendered to the license agent; or
 - (2) By furnishing the department with:
 - (a) The duplicate license;
 - (b) The name and mailing address of the person requesting the refund;
 - (c) The license number of the original license; and
 - (d) An explanation of the reason for the refund request.
- (3) Upon receipt of the refund request and duplicate license, and subsequent verification of the original purchase, the department shall issue a refund check for the amount of the license less a fee of five (5) dollars.]

Section 4.[5-] Buying Licenses or permits for Another. A person purchasing a [POS] license or permit for another person shall provide the [license agent with the] information about the person for whom the license is being purchased as required in Section 1 of this administrative regulation. A person other than a parent or guardian shall [may] not purchase a junior hunting license for another person.

Section <u>5.[6-]</u> Obtaining a Disability Authorization[—Card]. (1) To verify that <u>the applicant[he]</u> qualifies for a <u>combination</u>[senior/]disabled <u>combination</u>][<u>sportsman's</u>] license because of a disability as <u>established[specified]</u> in KRS 150.175, a person shall provide the department proof of Kentucky residency and one (1) of the following:

- (a) A <u>paper[department approved form]</u> or electronic verification from the applicant's ["TPQY long" form from his] local federal Social Security office certifying [that he] the applicant is receiving disability benefits from Social Security;
- (b) A copy of his disability rating showing at least a fifty (50) percent military service-connected disability;
- (c) A letter of verification from the United States Railroad Retirement Board certifying that the applicant has been declared totally and permanently disabled;
- (d) A letter, on that state board's letterhead, certifying that the applicant has been declared totally and permanently disabled by another state's workers' compensation board;
- (e) A letter of verification from the Kentucky Teachers' Retirement System certifying that the applicant has been declared totally and permanently disabled from teaching; or
- (f) A letter of verification from the U.S. Office of Personnel Management certifying that the applicant has been declared totally and permanently disabled.
- (2) A person declared totally and permanently disabled by the Kentucky State Workers' Compensation Board shall:
 - (a) Obtain a Disability Workers Compensation Exemption form from the department; and
 - (b) Complete the form and mail it to the address given on the form.
- (3) Upon receipt of the verification required by subsection (1) of this section or upon receipt of verification from the state Worker's Compensation Board, the department shall issue an authorization [card-]certifying the person is eligible to purchase a [senior/]disabled combination[combination][sportsman's] license.

Section <u>6.[7-]</u> (1) Duration of Disability Exemption. Certification by the Social Security Administration, Kentucky Teachers' Retirement System, or a state worker's compensation board shall remain valid for three (3) years after issue of the disability authorization[-card].

(2) Certification by the United States Railroad Retirement Board, U.S. Office of Personnel Management, or certification of at least fifty (50) percent military service-connected disability shall remain valid until the license holder turns sixty-five (65) years of age or no longer requires the disability exemption.[

Section 8. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Disability Authorization Card", March 2001; and
- (b) "Disability Authorization Card Instructions", March 2001.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, Division of Fiscal Control, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]

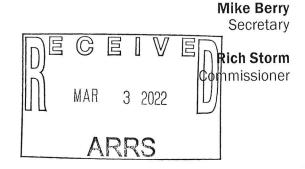
CONTACT PERSON: Beth Frazee, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.



TOURISM, ARTS AND HERITAGE CABINET KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

Andy Beshear Governor #1 Sportsman's Lane Frankfort, Kentucky 40601 Phone (502) 564-3400 Fax (502) 564-0506

March 3, 2022



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: 301 KAR 5:001, Definitions for 301 KAR Chapter 5; 301 KAR 5:030 Purchasing licenses and permits; and 301 KAR 5:100 Interstate Wildlife Violator Compact.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 5:001, Definitions for 301 Chapter 5; 301 KAR 5;030 Purchasing licenses and permits; and 301 KAR 5:100 Interstate Wildlife Violator Compact, proposes the attached amendment to 301 KAR 5:001; 301 KAR 5:030; and 301 KAR 5:100.

Sincerely,

Beth Frazee

Beth Frazee, Program Coordinator Kentucky Fish and Wildlife Resources 1 Sportsmen's Lane, Frankfort, KY 40601



SUGGESTED SUBSTITUTE

Final Version: 3/2/2022 11:49 AM

TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources

301 KAR 5:100. Interstate Wildlife Violator[Violators] Compact.

RELATES TO: KRS 150.236

STATUTORY AUTHORITY: KRS 150.025, 150.236, 150.238

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes the department to establish administrative regulations necessary to carry out the purpose of KRS Chapter 150. KRS 150.236 authorizes the department to promulgate administrative regulations regarding the suspension of hunting or fishing privileges for persons whose hunting or fishing privileges have been suspended or revoked by other jurisdictions. KRS 150.238 authorizes the department to enter into reciprocal agreements with other states regarding fish and wildlife violations. This administrative regulation establishes the provisions of a reciprocal interstate Wildlife *Violators* Compact.

- Section 1. Definitions. (1) "Citation" means any summons, complaint, ticket, penalty assessment, or other official document issued by a wildlife officer or other peace officer for a wildlife violation containing an order *that[which]* requires the person to respond.
- (2) "Collateral" means any cash or other security deposited to secure an appearance for trial, in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.
 - (3) "Compliance" means:
 - (a) The act of answering a citation through appearance at a court or [-a] tribunal;
 - (b)[, or] Payment of fines, costs, and surcharges, if any:[,] or
 - (c) Both paragraphs (a) and (b) of this subsection[such appearance and payment].
 - (4) "Conviction" means:
- (a) A conviction, including any court conviction, of any offense related to the preservation, protection, management, or restoration of wildlife [which is] prohibited by state statute, law, administrative regulation, ordinance, or administrative rule:[, or]
- **(b)** A forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any **[such]** offense;
 - (c)[, or] Payment of a penalty assessment;
 - (d)[-or] A plea of nolo contendere;[-] or
 - (e) The imposition of a deferred or suspended sentence by the court.
 - (5) "Home state" means the state of primary residence of a person.
 - (6) "Issuing state" means the party state that[which] issues a wildlife citation to the violator.
- (7) "License" means any license, wildlife[,] permit, or other public document that conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, *administrative* regulation, ordinance, or administrative rule of a party state.

- (8) "Licensing authority" means the department within each party state [which is] authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.
- (9) "Party state" means any state <u>that[which]</u> enacts legislation to become a member of <u>the</u> <u>Interstate Wildlife Violator[this wildlife]</u> Compact.
- (10) "Personal recognizance" means an agreement by a person made at the time of issuance of the wildlife citation that the person will comply with the terms of that citation.
 - (11) "State" means any state, territory, or possession of the United States.
- (12) "Suspension" means any revocation, denial, or withdrawal of any or all license privileges or rights, including the privilege or right to apply for, purchase, or exercise the benefits conferred by any license.
- (13) "Terms of the citation" means those conditions and options expressly stated upon the citation.
 - (14) "Wildlife" means:
- (a)1. All species of animals, including mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans; and
 - 2. Food, fish, and shellfish; and
 - (b) That[Which] are:
 - 1. Defined as wildlife, food fish, or shell fish in that specific jurisdiction; and
- 2. Protected by or otherwise regulated by statute, administrative regulation, ordinance, or administrative rule in that specific jurisdiction.
- (15) "Wildlife law" means any statute, law, administrative regulation, ordinance, or administrative rule developed and enacted to manage wildlife resources and the use thereof.
- (16) "Wildlife officer" means any individual authorized by a party state to issue a citation for a wildlife violation.
- (17) "Wildlife violation" means any cited violation of a statute, law, administrative regulation, ordinance, or administrative rule developed and enacted to manage wildlife resources and the use thereof.
- Section 2. Procedures for the Issuing State. (1) If issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a party state in the same manner as if the person were a resident of the home state and shall not require the person to post collateral to secure appearance, subject to the exceptions <u>established[contained]</u> in subsection (2) of this section, if the officer receives the person's personal recognizance that the person shall comply with the terms of the citation.
 - (2) Personal recognizance shall be acceptable if[is acceptable]:
- (a) [H]Not prohibited by local law or the compact manual adopted by the Kentucky Department of Fish and Wildlife Resources; and
 - (b) [If] The violator provides adequate proof of the violator's identification to the wildlife officer.
- (3) Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the party state in which the wildlife citation was issued. The report shall be made in accordance with procedures <u>of[specified by]</u> the issuing state and shall contain the information <u>established[specified]</u> in the Compact Manual[adopted by the Kentucky Department of Fish and

Wildlife Resources as policy as minimum requirements for effective processing by the home-state].

(4) Upon receipt of the report of conviction or noncompliance required by <u>subsection[subdivision]</u> (3) of this <u>section[administrative regulation]</u>, the licensing authority of the issuing state shall transmit to the licensing authority in the home state of the violator the information in a form and content as <u>established[contained]</u> in the Compact Manual[adopted by the Kentucky Department of Fish and Wildlife Resources as policy].

Section 3. Procedures for Home State. (1) Upon receipt of a report of failure to comply with the terms of a citation from the licensing authority of the issuing state, the licensing authority of the home state shall notify the violator, shall initiate a suspension action in accordance with the home state's suspension procedures, and shall suspend the violator's license privileges or rights until satisfactory evidence of compliance with the terms of the wildlife citation has been **submit-ted[furnished]** by the issuing state to the home state licensing authority. Due process rights shall be provided to any person who is issued a citation pursuant to this administrative regulation.

- (2) Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter the conviction in its records and shall treat the conviction as if it occurred in the home state for the purposes of the suspension of license privileges.
- (3) The licensing authority of the home state shall maintain a record of actions taken and make reports to issuing states as <u>established[provided]</u> in the Compact Manual [adopted by the department as policy].

Section 4. Reciprocal Recognition of Suspension. All party states shall recognize the suspension of license privileges or rights of any person by any state as if the violation on which the suspension is based had in fact occurred in **the[their]** state and would have been the basis for suspension of license privileges or rights in **the reciprocal[their]** state.

Section 5. The commissioner shall designate a department representative who shall serve as the department's compact administrator.

Section 6. Appeals. (1) A person who is convicted pursuant to this administrative regulation or who is found to have committed a violation in another state that warrants the department denying *[them]* a hunting license, fishing license, trapping license, or any wildlife permit, may appeal the decision and request in writing an administrative hearing within thirty (30) days of the denial.

- (2) Upon receipt of a written request for an administrative hearing, the department shall set the date, time, and place of the hearing and shall [forthwith] notify the person by regular U.S. mail.
- (3) An administrative hearing conducted pursuant to this section shall be held in accordance with KRS Chapter 13B.

Section 7. Effective Dates of Suspensions. Only violations that are committed on or after <u>April</u> <u>4, 2008[the effective date of this compact]</u>, and resulting suspensions, shall be subject to the provisions of the compact.

Section 8. Incorporation by Reference. (1) "Compact Manual", 2/08, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Ky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

CONTACT PERSON: Beth Frazee, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

Andy Beshear GOVERNOR



Kerry Harvey
CABINET SECRETARY

Robyn Bender GENERAL COUNSEL

March 3, 2022

Ms. Emily Caudill, Regulations Compiler Legislative Research Commission 029, Capitol Annex 702 Capital Avenue Frankfort KY 40601



Re: 501 KAR 6:030. Kentucky State Reformatory.

Dear Ms. Caudill:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 501 KAR 6:030, the Justice and Public Safety Cabinet, Department of Corrections proposes the attached amendment to 501 KAR 6:030.

Sincerely,

Deanna Smith Paralegal Consultant

enclosure



3/3/2022 SUGGESTED SUBSTITUTE

JUSTICE AND PUBLIC SAFETY CABINET Department of Corrections

501 KAR 6:030. Kentucky State Reformatory.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the Justice Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the cabinet or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. This administrative regulation establishes the policies and procedures for the Kentucky State Reformatory.

Section 1. Incorporation by Reference. (1) "Kentucky State Reformatory policies and procedures", <u>March 7, 2022[November 16, 2021]</u>[May 15, 2018], are incorporated by reference. Kentucky State Reformatory policies and procedures include:

Communication Among the
Warden, Management Staff,
Department Heads and Inmates
(Amended <u>11/16/21[3/14/18]</u>)
Inmate Canteen (Amended
<u>3/7/22[11/16/21][1/12/17]</u>)
Screening Disbursements from
Inmate Accounts (Amended
<u>3/7/22[41/16/21][1/12/17]</u>)
Inmate Accounts (Amended
<u>11/16/21[3/14/18</u>])
Inmate Canteen Committee
(Amended <u>11/16/21[4/11/16]</u>)
Kentucky Open Records Law and
Release of Institutional and Medical
Records (Amended
<u>11/16/21[1/12/17])</u>
Restricted Areas (Amended
<u>11/16/21[12/14/15])</u>
Parole Board (Amended
<u>11/16/21[1/12/17])</u>
Restrictive Housing Unit General
Operational Procedures (Amended
1/12/17)
Restrictive Housing Unit - Inmate
Tracking System and Record
System (Amended 1/12/17)

KSR 10- 01-09 KSR 10- 01-12 Restrictive Housing Unit General Operational Procedures — Unit E/Upper A Wing (Added 3/7/22[11/16/21]) KSR 11- 00-01 KSR 11- Food Service Department Clothing Issuance, Laundry and Sanitation (Amended 11/16/21[12/14/14]) KSR 11- Health Standards for Food Service Employees (Amended 11/16/21[11/14/17]) KSR 12- State and Personal Hygiene Items Issued to Inmates (Amended 11/16/21[3/14/18]) KSR 12- Inmate Barber and Beauty Shop [Barbershep] (Amended 3/7/22[11/16/21][4/11/16]) KSR 13- Wedication for Inmates with Body Lice (Amended 11/16/21[3/14/18]) KSR 13- Medication for Inmates Leaving Institutional Grounds (Amended 12/14/15[11/16/21][12/14/15]) KSR 13- Medical and Dental Care (Amended 11/16/21[5/15/18]) KSR 13- Medical Records (Amended 11/16/21[4/11/16]) KSR 13- Medical Records (Amended 11/16/21[4/11/16]) KSR 13- Institutional Pharmacy Procedures (Amended
Restrictive Housing Unit General Operational Procedures — Unit E/Upper A Wing (Added 3/7/22[11/16/21]) KSR
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KSR 13- Requirements for Medical
00-10 Personnel (Amended
<u>11/16/21[12/14/15])</u>
KSR 13- Special Care (Amended
00-17 <u>11/16/21[12/14/15]</u>)
KSR 13- Death of an Inmate and Notification
01-01 of Inmate Family About a Critical
KSR 13- Mental Health Services (Amended
02-01 <u>3/7/22[11/16/21][12/14/15]</u>)
KSR 13- Suicide Prevention and Intervention
02-03 Program (Amended
<u>3/7/22[41/16/21][3/14/18]</u>)
KSR 13- Inmate Observer Program
02-08 (Amended <u>11/16/21[1/12/17]</u>)
KSR 13- Correctional Psychiatric Treatment
03-01 Unit (Added 3/7/22[41/16/21])

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KSR 19- 00-02 Inmate Work Programs (Amended 3/7/22[11/16/21][3/14/18]) [KSR 19- 00-03 Safety Inspections of Inmate Work Assignment Locations (Amended 3/14/18)] KSR 20- 00-01 LaGrange Education Center Programming] (Amended 3/7/22[11/16/21][5/15/18]) [KSR 20- 00-06 English as a Second Language (Amended 12/14/15)] KSR 21- 00-01 Ligal Aide Office and Inmate Law Library Services [and Supervision] KSR 21- 00-02 Library Services (Amended 11/16/21[3/14/18]) KSR 22- Inmate Organizations (Amended 3/7/22[11/16/21][3/14/18]) KSR 22- Inmate Recreation Programs (Added 3/7/22[11/16/21]) KSR 22- Inmate Magazine (Amended 11/16/21[1/12/17]) KSR 23- Religious Programming (Amended 11/16/21[Added 4/11/17]) KSR 24- 00-03 Substance Abuse and Chemical Dependency Program (Amended 11/16/21[1/12/17]) KSR 24- 00-03 Social Services Program (Amended 11/16/21[1/12/14]) KSR 25- 00-01 Discharge of an Inmate to Hospital or Nursing Home (Amended 11/16/21[12/14/15]) KSR 26- Volunteer Services Program	[KSR 02-01	18-	Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) (Amended 1/12/17)]
KSR	1	19-	Inmate Work Programs (Amended
Assignment Locations (Amended 3/14/18)] KSR 20- LaGrange Education Center [Programming] (Amended 3/7/22[11/16/21][5/15/18]) [KSR 20- English as a Second Language (Amended 12/14/15)] KSR 21- Legal Aide Office and Inmate Law Library Services [and Supervision] KSR 21- Library Services (Amended 11/16/21[3/14/18]) KSR 22- Inmate Organizations (Amended 00-03 3/7/22[11/16/21][3/14/18]) KSR 22- Inmate Recreation Programs (Added 3/7/22[11/16/21]) KSR 22- Inmate Magazine (Amended 00-07 11/16/21[1/12/17]) KSR 23- Religious Programming (Amended 11/16/21[Added 4/11/17]) [KSR 24- Social Services Staff (Added 00-01 11/16/21[1/12/17]) KSR 24- Social Services Program (Amended 11/16/21[1/12/17]) KSR 24- Social Services Program (Amended 11/16/21[1/12/17]) KSR 25- Discharge of an Inmate to Hospital or Nursing Home (Amended 11/16/21[12/14/15]) KSR 26- Volunteer Services Program			
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KSR 26- Volunteer Services Program			
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00-01 (Amenaea <u>11/16/21[1/12/17]</u>)	00-01]	(Amended <u>11/16/21[1/12/17])</u>

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CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegsContact@ky.gov.

Changes to Material Incorporated by Reference:

```
KSR 02-00-01
        Page 2
        II.A.
               After "may", delete "be allowed to".
KSR 02-00-03
        Page 1
     · I.B.7.
               After "Treasurer", insert a semicolon.
               Delete the period.
KSR 10-01-12
        Page 3
       III.A.4.
               After "Medication", insert "shall be".
KSR 12-00-07
       Page 3
       VII.A.
               After "may", delete "be allowed to".
       VII.C.
              After "shall", delete "be required to".
KSR 13-00-09
       Page 3
       II.D.2.
              After "special housing units", delete "inmates".
KSR 13-02-01
       Page 5
       VI.A.
              After "CPP 18.11 Placement for Mental Health Treatment in", delete "KSR".
              After "CPTU", insert "or".
              Delete ", KCIW".
              After "PCU", delete "or KCPC".
KSR 13-02-03
       Page 2
       I.B.3.d.
```

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

Page 5

IV.E.

After "suicide plans,", insert "and".

V.B.1.-3.

Insert a final semicolon.

V.B.4.

After "Medical Record", insert "; and".

V.B.5.

After "Tracking System", insert a period.

KSR 13-03-01

Page 2

II.B.1.

After "and staff", insert a period.

II.C.1.-5.

Insert a final semicolon. Delete the period.

II.C.6.

After "Case management", insert "; and". Delete the period.

Page 7

V.D.5.

After "twice (2) daily", insert ", unless otherwise prescribed".

Page 9

V.I.

After "services with", delete the extra spaces before "officer or CTO".

Page 9

VI.A.1.

After "intellectual functioning", insert a period.

KSR 15-00-10

Page 1

References/Authority Box

Delete "KSR 18-00-07".

KSR 15-01-02

Page 1

References/Authority Box

After "KSR 15-01-03,", delete "15-01-06,".

Page 4

III.A.1.

After "etc.,)", insert "; and".

III.A.2.

After "Institutional counts", insert a period.

KSR 15-01-03

Page 1

References/Authority Box

After "KSR", delete "15-01-06,".

Page 6

III.G.-I.

Renumber as "E." through "G.".

KSR 18-01-00

Page 1

Definition of "Youthful offender"

After "KRS 600.020", insert "(72)". Delete "(71)".

KSR 19-00-02

Page 1

II.A.-D.

Insert a final semicolon.

II.E.

After "Pay scale", insert "; and".

II.F.

After "how to apply", insert a period.

Page 3

III.H.1.b.

After "of Security", insert a semicolon.

KSR 20-00-01

Page 2

II.A.1.-6.

Insert a final semicolon.

II.A.7.

After "education", insert "; and".

II.A.8.

After "institutional population", insert a period.

KSR 22-00-03

Page 4

IV.E.

After "one (1) service", insert "project". Delete "projects".

KSR 22-00-04

Page 1

References/Authority

Insert "KRS 196.035, 197.020".

Page 2

IV.A.1.

After "Recreation Director", insert a period. Delete the semicolon.

V.B.2.

After "physical abilities or", insert "disabilities". Delete "handicaps".

Page 3

VI.A.

After "An inmate may", delete "be allowed to".

KSR 24-00-03

Page 1

References/Authority

Delete "KSR 24-00-01".

Page 4

III. (Second Occurrence)

Before "Inmate and Staff Notification of Program Availability", insert "IV.". Delete "III."

Andy Beshear GOVERNOR



Kerry Harvey
CABINET SECRETARY

Robyn Bender GENERAL COUNSEL

March 4, 2022

Ms. Emily Caudill, Regulations Compiler Legislative Research Commission 029, Capitol Annex 702 Capital Avenue Frankfort KY 40601

Re: 501 KAR 6:290. Southeast State Correctional Complex.

Dear Ms. Caudill:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 501 KAR 6:290, the Justice and Public Safety Cabinet, Department of Corrections proposes the attached amendment to 501 KAR 6:290.

Sincerely,

Sara Pittman

Paralegal Consultant

enclosure



3/4/2022 SUGGESTED SUBSTITUTE

JUSTICE AND PUBLIC SAFETY CABINET Department of Corrections

501 KAR 6:290. Southeast State Correctional Complex.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the department or of its divisions. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. This administrative regulation establishes the policies and procedures for the Southeast State Correctional Complex.

Section 1. Incorporation by Reference. (1) " Southeast State Correctional Complex policies and procedures", <u>March 7[February 14]</u>, <u>2022[November 3, 2021]</u>, are incorporated by reference. Southeast State Correctional Complex policies and procedures include:

SSCC 01-06-01	Inmate Access to and
000001	Communication with SSCC
	Staff
SSCC 01-07-01	Institutional Tours of SSCC
SSCC 01-08-01	SSCC Cooperation with
	Outside Agencies Including
	Courts, Governmental,
	Legislative, Executive, and
	Community Agencies
SSCC 01-10-01	Public Information and Media
	Communication 3/7/22
SSCC 01-11-01	Tobacco Products and
	Nicotine Procedures
SSCC 02-08-01	Inmate Canteen
SSCC 02-12-01	Inmate Accounts 3/7/22
SSCC 05-02-01	Outside Consultation and
	Research <u>3/7/22</u>
SSCC 09-01-01	Inmate Counts <u>3/7/22</u>
SSCC 09-02-01	Inmate Substance Abuse
	Testing
SSCC 09-03-01	Inmate Death <u>3/7/22</u>
SSCC 09-04-01	Construction Crew Entry and
	Exit Procedures 3/7/22
SSCC 09-05-01	Entry and Exit Procedures
	3/7/22
SSCC 10-01-01	Special Management Unit
	3/7/22[Restrictive Housing
	Unit <u>2/14/22]</u>

SSCC 11-01-01	Food Service General Information & Staff Health Standards 3/7/22
SSCC 11-01-02	Inmate Dining Room
SSCC 11-01-02 SSCC 11-02-01	Food Service Security
SSCC 11-02-01	Inmate Work Schedule for
0000 11-00-01	Food Service
SSCC 11-04-01	Meal Preparation and Service
SSCC 11-04-02	Menu, Nutrition, Special, and Individual Diets
SSCC 12-01-01	Clothing, Bedding, Hygiene Supplies, and Barber Shop 3/7/22
SSCC 12-03-01	Vermin and Insect Control
SSCC 13-02-01	Medical Services Informed Consent, Sick Call, Physician's Clinics, Pill Call, and Medical Co-Payment
SSCC 13-02-02	Emergency Medical Care and Specialized Health Services
SSCC 13-02-03	Continuity of Care: Health Evaluations, Intra-System Transfer, Individual Treatment Plans
SSCC 13-03-01	Use of Pharmaceutical Products 3/7/22
SSCC 13-05-01	Management of Serious and Infectious Diseases
SSCC 13-06-01	Mental Health Services 3/7/22
SSCC 13-07-01	Suicide Prevention and Intervention Program 3/7/22
SSCC 13-08-01	Eye Care
SSCC 13-09-01	Dental Care
SSCC 13-12-01	Inmate Self Administration of Medication
SSCC 13-13-01	Health Education Program and Detoxification
SSCC 13-14-01	COVID-19 Precautions
SSCC 14-02-01	Legal Services Program 3/7/22
SSCC 16-01-01	Inmate Visitation 3/7/22
SSCC 16-02-01	Inmate Mail
SSCC 16-03-01	Inmate Telephone Communications
SSCC 16-04-01	Inmate Packages
SSCC 17-01-01	Personal Property Control
SSCC 17-02-01	SSCC Inmate Receiving and Orientation Process
SSCC 17-03-01	Television Repair Process

SSCC 18-01-01	Inmate Classification			
SSCC 18-02-01	Meritorious Housing			
SSCC 18-02-02	Meritorious Visitation			
SSCC 19-01-01	Inmate Work Program			
SSCC 20-01-01	Educational Courses			
SSCC 21-01-01	Library Services			
SSCC 22-01-01	Recreation Programs			
SSCC 22-02-01	Inmate Clubs and			
	Organizations			
SSCC 22-03-01	Arts and Crafts Projects			
SSCC 23-01-01	Religious Services			
SSCC 24-01-01	Social Services and			
	Counseling Program			
SSCC 25-01-01	Pre-Release Program			
SSCC 25-01-02	Inmate Release Process			
SSCC 25-02-01	Parole Hearings			
SSCC 26-01-01	Citizen Involvement and			
	Volunteer Service Program			

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CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegsContact@ky.gov.

CHANGES TO MATERIAL INCORPORATED BY REFERENCE (501 KAR 6:290):

SSCC 01-10-01

Page 1

II.A.1.

After "in the Gymnasium", insert a semicolon.

Delete the comma.

II.C.1.a.

After "following approval", insert a semicolon.

Delete the comma.

SSCC 02-12-01

Pages 1-2

II.B.1.a.-d., 2.c.(1)-(2), and 2.d.(1)-(4)

Insert ending semicolons.

Delete ending commas.

Page 4

II.H.6.a.

After "Inmate Accounts", insert a semicolon.

Delete the comma.

SSCC 05-02-01

Page 2

II.A.2.d.(3)

After "of the communication", insert a semicolon.

Delete the period.

SSCC 09-01-01

Page 1

I. Def. of "Open wing count"

After definition of "Official identification count", delete definition of "Open wing count".

SSCC 09-03-01

Page 1

II.A.1.-9.

Insert ending semicolons.

Delete ending commas.

SSCC 09-04-01

Page 2

II.A.4.a.a.-c.

Renumber as "b." through "d.".

Page 3

II.B.4.a.

After "if unoccupied", insert a semicolon.

SSCC 09-05-01

Page 1

Authority/References Box

After "SSCC", insert "<u>09-04-01</u>". Delete "09-05-01".

Page 4

II.A.12.d.

After "institutional grounds", insert a period. Delete the semicolon.

SSCC 10-01-01

Page 1

Authority/References Box

After "16-01-01,", insert "<u>16-02-01</u>". Delete "16-02-02".

Page 1

Subject Box

After "SPECIAL MANAGEMENT", insert a space.

Page 8

II.D.7.a.

After "SSCC", insert "<u>16-02-01</u>". Delete "16-02-02".

SSCC 11-01-01

Page 1

II.A.

After "The Food Service Department shall", insert "<u>be</u>". Delete "by".

Page 4

II.F.1.a.

After "causes disease", insert a semicolon. Delete the comma.

SSCC 12-01-01

Page 2

II.C.6.a.

After "Kitchen", insert "greys".

Delete "whites".

After "shirts),", delete "white cap,".

SSCC 13-03-01

Page 2

II.B.3.a.

After "last dose", insert a semicolon.

Page 7

II.F.3.a.

After "so scheduled", insert a period.

SSCC 13-06-01

Page 2

II.C.2.c.

After "if appropriate;", insert "and".

II.D.1.

After "If an inmate becomes non-compliant with", insert "his treatment plan". Delete "medication".

II.D.2.

After "If an inmate becomes non-compliant", insert "with his treatment plan".

After "to make decisions concerning appropriate", insert "placement".

Delete "housing".

After "within SSCC,", insert "as well as".

After "on the importance of", delete "the".

After "medication", insert "compliance,".

Delete ", disciplinary proceeding,".

After "program assignment, or", insert "possible".

After "transfer to another facility", insert the following:

related to the inmate's mental health needs

SSCC 13-07-01

Page 3

II.B.1.b., 2., and 3.b.

Insert "Special Management Unit".
Delete "Restrictive Housing Unit".

SSCC 14-02-01

Page 1, Authority/References Box

After "SSCC", insert "<u>16-02-01</u>". Delete "16-02-02".

Page 2, II.E.2.

After "SSCC", insert "<u>16-02-01</u>". Delete "16-02-02".

SSCC 16-01-01

Page 7

II.K.4.c.c.

Renumber as "d.".



Kerry Harvey
CABINET SECRETARY

Robyn Bender GENERAL COUNSEL

March 1, 2022

Senator Stephen West, Co-Chair Representative David Hale, Co-Chair c/o Emily Caudill Administrative Regulation Review Subcommittee Legislative Research Commission 702 Capital Avenue Room 29, Annex Frankfort KY 40601

Re: 502 KAR 15:010. Accident Reports.

Dear Co-Chairs West and Hale:

The Justice and Public Safety Cabinet, Department of Kentucky State Police requests that the attached amendments be made to 502 KAR 15:010.

Sincerely,

Heather M. Lee

Paralegal Consultant

Heather M. Lee

enclosure



AGENCY AMENDMENT JUSTICE AND PUBLIC SAFETY CABINET Department of Kentucky State Policy

502 KAR 15:010. Accident reports.

Page 1

Necessity, Function, and Conformity:

Line 12

After "including", insert "uniform".

After "dissemination", insert ", and.

Lines 12-13

After "fee schedule", delete "and forms".

Line 13

After "reporting system", insert a comma.

Line 14

After "dissemination procedures,", delete "forms,".

Page 1

Section 1(3)

Line 17

After "KRS 446.010(33).", insert the following:

(4) "Traffic collision report" means the report for a traffic collision or vehicle accident within the Commonwealth that is required in KRS 186.635.

Page 1 Section 2 Lines 18-20

After "Section. 2.", insert the following:

Collision Reporting. (1) A law enforcement officer shall make a traffic collision report as required in KRS 189.635(3) using the E-CRASH collision reporting system in the Kentucky Open Portal Solution (KYOPS) client application. The E-CRASH collision reporting system shall be the reporting system for the reports by a law enforcement officer required by KRS 189.635(1)-(3). For access to the reporting system, a law enforcement agency may contact the Kentucky State Police, Criminal Identification and Records Branch, 1266 Louisville Road Frankfort, Kentucky 40601, (502) 227-8700.

(2) If a traffic collision is not investigated by a law enforcement officer, a party involved in the collision may submit the report required by KRS 189.635(4) by using the online civilian collision reporting tool located on the department Web site at https://

kentuckystatepolice.org/civilian-collision-reports.us.

Delete the following:

The "Uniform Police Traffic Collision Report" form provided by the department shall be the official vehicle accident report form for all law enforcement agencies in Kentucky.

Page 2 Section 3 Lines 1-7

Delete Section 3 in its entirety.

Renumber the remaining subsections.

Page 2

Section 4

Lines 9-10

After " to the report", delete the following: and shall retain a copy of the report

Lines 10-11

After "for providing", insert the following: a copy of a traffic collision report

Delete the following:

copies of traffic collision reports

Page 2

Section 5

Lines 12-13

After "Section 5.", delete the following:

A law enforcement agency whose officers create a traffic collision report shall utilize the electronic submission application as provided by the department.

Section 6.

Renumber the remaining sections.

Page 2

Section 6

Line 20

After "KRS 189.635", insert "(5) and (8)".

Page 3

Section 7

Line 1

After "requesting a", insert "traffic". Delete "vehicle".

Line 2

After "KSP", delete "Form".

Lines 3-4

After "submit the form", insert the following:

with the request for records by:

(1) Email to ksp.openrecords@ky.gov;

(2) Fax to 502-573-1636; or

(3) Mail or hand delivery to Kentucky State Police, Legal Services Branch, Attn: Records Custodian, 919 Versailles Road, Frankfort, Kentucky 40601

Delete the following:

according to the procedures described on the department website

Page 3

Section 8(1)(a)-(d)

Lines 5-13

After "(1)", delete the following:

The following material is incorporated by reference:

(a) KSP Form 74, "Kentucky Uniform Police Traffic Collision Report", 2008 edition;

- (b) "Kentucky Uniform Police Traffic Collision Report Manual", 2008 edition
- (c) "Manual on Classification of Motor Vehicle Traffic Accidents"; and

(d)

Page 3

Section 8(1)(d)

Line 13

After "KSP", delete "Form". After "certification",", insert "9/2021". Delete "2017".

Page 3

Section 8(2)

Lines 16-17

After "copyright law, at the", insert the following:

Kentucky State Police, Legal Services Branch, 919 Versailles Road

Delete the following:

Department of State Police, Criminal Identification and Records Branch, 1266 Louisville Road

Line 18

After "4:30 p.m.", insert the following:

<u>This material may be obtained from the Department of Kentucky State Police Website at https://kentuckystatepolice.org/open-records-requests/.</u>

Changes to Material Incorporated by Reference:

KSP 029, News gathering organization certification

Replace 2017 version with 9/2021 version of form.

Name:		
News-Gathering Organization: _		
Mailing Address:		
City:	State:	Zip Code:
I hereby certify as evidenced by	my signature below, tha	at:
 1.) I am duly employed and a organization to submit a real. 2.) The news-gathering organization as outlined in 3.) This request is in complia 189.635; and 4.) The above statements are 	equest for accident repo nization that I represent n KRS 189.635(8)(b) an nce with and meets the	orts. qualifies as a news-gathering d KRS 189.635(8)(d);
	Signature of Applic	cant
State of	County	, of
Subscribed and sworn to and acknowledge.	owledged before me this	day of
Notary Public, State At Large		
My commission expires:		



NEWS-GATHERING ORGANIZATION CERTIFICATION

Name:
News-Gathering Organization:
Mailing Address:
City:
I hereby certify as evidenced by my signature below, that:
 I am duly employed and authorized by the above named news-gathering organization to submit a request for accident reports.
2) The news-gathering organization that I represent qualifies as a news-gathering organization as outlined in KRS 189.635(8)(b) and KRS 189.635(8)(d);
3) This request is in compliance with and meets the standards set forth in KRS 189.635; and
4) The above statements are true and correct.
State of
Subscribed and sworn before me by, the day of,
Notary Public #
My commission expires:



Mary Pat Regan
Acting Secretary, Education and
Workforce Development Cabinet

Jason E. Glass, Ed.D. Commissioner of Education and Chief Learner

KENTUCKY DEPARTMENT OF EDUCATION

300 Sower Boulevard • Frankfort, Kentucky 40601 Phone: (502) 564-3141 • www.education.ky.gov

March 1, 2022

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

es Mallew

Re: 702 KAR 1:116. Annual in-service training of district board members.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 702 KAR 1:116, the Kentucky Board of Education proposes the attached amendment to 702 KAR 1:116.

Sincerely,

Todd G. Allen General Counsel

attachment



Staff-suggested Amendment

Final Version 3/1/2022 EDUCATION AND WORKFORCE DEVELOPMENT CABINET Kentucky Board of Education Department of Education

702 KAR 1:116. Annual in-service training of district board members.

Page 1 NECESSITY, FUNCTION, AND CONFORMITY paragraph Line 14

After "for fulfilling", insert "the". Delete "such".

Page 1 Section 1 Line 16

After "Content of", capitalize "training".

Page 2 Section 1(2) Line 10

After "may include", delete the following:

but not be limited to

Page 3
Section 2(1)(b)10.
Line 16
After "gifted", insert ",".

Page 5
Section 4(1)
Line 1

After "year, and", insert "the". Delete "such".

Page 5 Section 4(2) Line 6

After "any required", delete ",".

After "new service.", insert "An". Delete "Any such".



Mary Pat Regan
Acting Secretary, Education and
Workforce Development Cabinet

Jason E. Glass, Ed.D. Commissioner of Education and Chief Learner

KENTUCKY DEPARTMENT OF EDUCATION

300 Sower Boulevard • Frankfort, Kentucky 40601 Phone: (502) 564-3141 • www.education.ky.gov

March 1, 2022

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: 704 KAR 3:395. Extended school services

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 704 KAR 3:395, the Kentucky Board of Education proposes the attached amendment to 704 KAR 3:395.

Sincerely,

Todd G. Allen General Counsel

attachment



Staff-suggested Amendment

Final Version 3/1/2022 EDUCATION AND WORKFORCE DEVELOPMENT CABINET Kentucky Board of Education Kentucky Department of Education

704 KAR 3:395. Extended school services.

Page 1 STATUTORY AUTHORITY paragraph Line 7

After "KRS", insert "156.070(4),".

Page 2 Section 1(6) Line 11

After "in grades", insert "6 through 12". Delete the following:

six (6) through twelve (12)

Page 5 Section 2(10) Lines 11 and 12

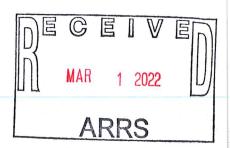
After "program through", insert "grade 12". Delete "the twelfth grade".

After "graduate from", insert "grade 12". Delete "the twelfth grade".

Page 10 Section 6(1) Line 14

After "school services", insert ";".





CABINET FOR HEALTH AND FAMILY SERVICES Office of the Secretary

Andy Beshear Governor 275 East Main Street, 4W-C Frankfort, KY 40621 www.chfs.ky.gov Eric C. Friedlander Secretary

March 1, 2022

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: 907 KAR 3:170. Telehealth service coverage and reimbursement.

Dear Regulations Compiler:

After discussions with various stakeholders of the issues raised by 907 KAR 3:170, the Department for Medicaid Services proposes the attached agency amendment to 907 KAR 3:170.

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,

Lucie Estill

Executive Staff Advisor

Lucie Es HA

Office of Legislative and Regulatory Affairs



2/25/2022

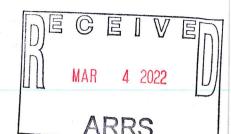
Agency Amendment CABINET FOR HEALTH AND FAMILY SERVICES Department for Medicaid Services Division of Policy and Operations

907 KAR 3:170. Telehealth service coverage and reimbursement.

Page 9 Section 5(3) Lines 9-13

Delete lines 9 through 13 in their entirety.





CABINET FOR HEALTH AND FAMILY SERVICES Office of the Secretary

Andy Beshear Governor

275 East Main Street, 4W-C Frankfort, KY 40621 www.chfs.ky.gov Eric C. Friedlander Secretary

March 4, 2022

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: 907 KAR 3:170. Telehealth service coverage and reimbursement.

Dear Regulations Compiler:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 907 KAR 3:170, the Department for Medicaid Services proposes the attached suggested substitute to 907 KAR 3:170.

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,

Lucie Estill

Executive Staff Advisor

Lucie Es H

Office of Legislative and Regulatory Affairs



KENTUCKY CABINET FOR HEALTH AND FAMILY SERVICES

Revised: 3/1/2022 SUGGESTED SUBSTITUTE

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

907 KAR 3:170. Telehealth service coverage and reimbursement.

RELATES TO: KRS 194A.060,[194A.125,] 205.510(<u>16)</u>[(15)], (<u>17)</u>, 205.559, 205.5591, 205.560, <u>304.38-240</u>, 422.317, 434.840-434.860, 42 C.F.R. <u>400.203</u>, 415.174, 415.184, 431.300-431.307, 440.50, <u>Part 455</u>, 45 C.F.R. 164.530, 42 U.S.C. 1395m

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 205.559[(2)], 205.5591[(7)], 205.560

NECESSITY, FUNCTION, AND CONFORMITY: In accordance with KRS 194A.030(2), 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 any requirement that may be imposed or opportunity presented by federal law to qualify for federal Medicaid funds. KRS 205.559 establishes the requirements regarding Medicaid reimbursement of telehealth providers, and KRS 205.5591 requires[205.559(2) and (7) require] the cabinet to promulgate an administrative regulation relating to telehealth services and reimbursement. This administrative regulation establishes the Department for Medicaid Services' coverage and reimbursement policies relating to telehealth services in accordance with KRS 205.559 and 205.5591.

Section 1. Definitions. (1) "Asynchronous telehealth" means a store and forward telehealth service that is electronically mediated.

- (2) "Department" means the Department for Medicaid Services or its designated agent.
- (3)["Face-to-face" means:
- (a) In person; and
- (b) Not via telehealth.
- (4)] "Federal financial participation" is defined by 42 C.F.R. 400.203.
- (4) "In-person" means a healthcare encounter occurring:
- (a) Via direct contact and interaction between the individual and healthcare provider:
- (b) At the same location; and
- (c) Not via telehealth.
- (5) "Medical necessity" or "medically necessary" means a covered benefit is determined to be needed in accordance with 907 KAR 3:130 or pursuant to the process established by KRS 304.38-240.
- (6) "Place of service" means anywhere the patient is located at the time a telehealth service is provided, and includes telehealth services provided to a patient located at the patient's home or office, or a clinic, school, or workplace.
- (7) "Remote patient monitoring" means a digital technology that collects medical and health data from an individual in one (1) location and electronically and securely transmits that data to a telehealth care provider in a different location.
- (8) "Synchronous telehealth" means a telehealth service that simulates <u>an in-person[a face-to-face]</u> encounter via real-time interactive audio and video technology between a telehealth care provider and a Medicaid recipient.
 - (9)[(8)] "Telehealth" is defined by KRS 205.510(16)[(15)].
 - (10)[(9)] "Telehealth care provider" means a Medicaid provider who is:
 - (a)1. Currently enrolled as a Medicaid provider in accordance with 907 KAR 1:672;

- 2.[(b)] Currently participating as a Medicaid provider in accordance with 907 KAR 1:671;
- 3.[(c)] Operating within the scope of the provider's professional licensure; and
- 4.[(d)] Operating within the provider's scope of practice; or[-]
- (b) A community mental health center (CMHC) that is participating in the Medicaid program in compliance with 907 KAR 1:044, 907 KAR 1:045, or 907 KAR 1:047.
- (11)[(10)] "Telehealth service" means any service that is provided by telehealth and is one (1) of the following:
 - (a) Event;
 - (b) Encounter;
 - (c) Consultation, including a telehealth consultation as defined by KRS 205.510(17)[(16)];
 - (d) Visit
 - (e) Store and forward transfer, as limited by Section 6[4] of this administrative regulation;
 - (f) Remote patient monitoring[, as limited by Section 4 of this administrative regulation];
 - (g) Referral; or
 - (h) Treatment.

Section 2. Recipient Right to Receive Care In-Person or Via Synchronous Telehealth. (1) Any recipient, upon being offered the option of an asynchronous or audio-only telehealth visit, shall have the opportunity or option to request to be accommodated by that provider in an in-person encounter or synchronous telehealth encounter.

- (2)(a) A telehealth care provider that has received a request for an in-person encounter or synchronous telehealth encounter shall provide an alternative in-person or synchronous telehealth encounter for the recipient within:
 - 1. A reasonable time;
 - 2. The existing availability constraints of the provider's schedule; and
- 3. No more than three (3) weeks of the recipient's request, unless the recipient's condition or described symptoms suggest a need for an earlier synchronous or in-person encounter.
- (b)1. A provider's failure to accommodate a recipient with a synchronous telehealth or inperson encounter shall be reported to the Office of the Ombudsman and Administrative Review of the Cabinet for Health and Family Services, or its successor organization by a:
 - a. Recipient:
 - b. Recipient's quardian or representative;
 - c. Another provider; or
 - d. Managed care organization.
- 2. The Office of the Ombudsman and Administrative Review shall investigate as appropriate and forward reports of a failure to accommodate to the department.
- (c) If a provider fails to accommodate any recipient or combination of recipients ten (10) or more times within a calendar year, the department may:
- 1. Issue a corrective action plan to ensure that recipients are receiving appropriate and timely care.
- 2. Suspend the provider from providing asynchronous telehealth services to Medicaid recipients.
- (d) The requirement to accommodate established in this subsection shall not apply to a provider who is participating in the encounter only to diagnose or evaluate an image or data file.
- (e) A request for an in-person or synchronous encounter shall be recorded within the recipient's medical record.
- <u>Section 3.</u> General Policies. (1)(a) The telehealth policies established in this administrative regulation shall supersede any in-person requirement established within KAR Title 907.
- (b) The requirement established in paragraph (a) of this subsection shall not supersede an inperson requirement established pursuant to:

1. State or federal law, including via the state plan or a waiver;

- 2. A standard set by a professional criteria, such as the American Society of Addiction Medicine's (ASAM) Criteria, if applicable;
 - 3. A licensing body; or
 - 4. A billing code requirement established pursuant to a department utilized procedure code.
- (2) Subject to any relevant restrictions in this administrative regulation, a telehealth service shall be reimbursable if it is:
- (a) Appropriate and safe to be delivered via the telecommunication technology used. For the purposes of this section, whether a service is appropriate shall include any requirements and descriptions relating to a department utilized procedure code;
- (b) Not prohibited by the licensing board of the telehealth care provider delivering or supervising the service; and
 - (c) Provided by a telehealth care provider.
- (3) Unless prohibited by the relevant licensing board of the telehealth care provider, a telehealth care provider may establish a new patient and conduct an initial visit with the new patient via the use of synchronous telehealth.
- (4)(a) Except as provided in paragraph (b) of this subsection, the coverage policies established in this administrative regulation shall apply to:
 - 1. Medicaid services for individuals not enrolled in a managed care organization; and
- 2. A managed care organization's coverage of Medicaid services for individuals enrolled in the managed care organization for the purpose of receiving Medicaid or Kentucky Children's Health Insurance Program services.
- (b) A managed care organization shall reimburse the same amount for a telehealth service as the department reimburses unless a different payment rate is negotiated in accordance with Section 4[3](1)(b)[(a)][2-] of this administrative regulation.
 - (5)[(2)] A telehealth service shall not be reimbursed by the department if:
 - (a) It is not medically necessary;
- (b) The equivalent service is not covered by the department if provided in <u>an in-person[a face-to-face]</u> setting; or
 - (c) The telehealth care provider of the telehealth service is:
 - 1. Not currently enrolled in the Medicaid program pursuant to 907 KAR 1:672;
 - 2. Not currently participating in the Medicaid program pursuant to 907 KAR 1:671;
 - 3. Not in good standing with the Medicaid program;
- 4. Currently listed on the Kentucky DMS Provider Terminated and Excluded Provider List, which is available at https://chfs.ky.gov/agencies/dms/dpi/pe/Pages/terminated.aspx; [er]
- 5. Currently listed on the United States Department of Health and Human Services, Office of Inspector General List of Excluded Individuals and Entities, which is available at https://oig.hhs.gov/exclusions/;
- 6. **[Not]** Otherwise prohibited from participating in the Medicaid program in accordance with 42 C.F.R. **Part** 455; or
- 7. Not physically located within the United States or a United States territory at the time of service.
 - (6)[(3)](a) A telehealth service shall be subject to utilization review for:
 - 1. Medical necessity;
 - 2. Compliance with this administrative regulation; and
 - 3. Compliance with applicable state and federal law.
- (b) The department shall not reimburse for a telehealth service if the department determines that a telehealth service is not:
 - 1. Medically necessary:
 - 2. Compliant with this administrative regulation;
 - 3. Applicable to this administrative regulation; or

- 4. Compliant with applicable state or federal law.
- (c) The department shall <u>recover the paid amount of a[recoup the]</u> reimbursement for a previously reimbursed telehealth service if the department determines that a telehealth service was not:
 - 1. Medically necessary;
 - 2. Compliant with this administrative regulation;
 - 3. Applicable to this administrative regulation; or
 - 4. Compliant with applicable state or federal law.
- (7)(a) If a telehealth service is delivered as an audio-only encounter and a telephonic code exists for the same or similar service, the department shall reimburse at the lower reimbursement rate between the two (2) types of services.
- (b) An attempted and scheduled telehealth service that is completed telephonically due to provider or recipient technological failure shall be reimbursed at the reimbursement rate of the telehealth encounter.
- (8)[(4)] A telehealth service shall have the same referral requirements as <u>an in-person[a face-to-face]</u> service.
- (9)[(5)] Within forty-eight (48) hours of the reconciliation of the record of the telehealth service, a provider shall document within the patient's medical record that a service was provided via telehealth, and follow all documentation requirements established by Section 5 of this administrative regulation.
- (10) Pursuant to 907 KAR 1:671 and 1:672, the department shall require a telehealth care provider to meet all relevant licensure and accreditation requirements that would be required for that provider to provide care to a recipient in an in-person setting.
- <u>Section 4.[Section 3.]</u> Telehealth Reimbursement. (1)(a)[1.] The department shall reimburse an eligible telehealth care provider for a telehealth service in an amount that is at least 100 percent of the amount paid for a comparable in-person service.
- (b)[2.] A managed care organization and provider may establish a different rate for telehealth reimbursement via contract as allowed pursuant to KRS 205.5591(2)(a)1.[(5)].
- [(b) A telehealth service reimbursed pursuant to this section shall be subject to cost-sharing pursuant to 907 KAR 1:604.]
- (2) A provider shall appropriately denote telehealth services by place of service or other means as designated by the department or as required in a managed care organization's contract with the provider or member.
- (3)(a) Pursuant to KRS 205.559(2)(a)1., the department shall reimburse an originating site fee for a qualifying Medicare-participating telehealth care provider if the Medicaid beneficiary served was physically located at a rural health clinic, federally qualified health center, or federally qualified health center look-alike when the telehealth service was performed.
- (b) The payment for an originating site facility fee shall be consistent with the amounts established in 42 U.S.C. 1395m(m)(2)(B)(i).
- Section 5. Telehealth Provided by an Out-of-State Telehealth Care Provider. (1) The department shall evaluate and monitor the healthcare quality and outcomes for recipients who are receiving healthcare services from out-of-state telehealth care providers.
- (2) The department shall implement any in-state or out-of-state participation restrictions established by a state licensing board for the impacted provider [type].
 - (3) In order to improve healthcare quality and outcomes for recipients, the department may:
- (a) Require a telehealth care provider who is located out-of-state to practice under an agreement with a provider with a physical presence within Kentucky.
- (b) Prohibit certain services, recipients, or providers from conducting telehealth services if those services are provided by a telehealth care provider located out-of-state.

<u>Section 6.[Section 4.]</u> Asynchronous Telehealth. (1) An asynchronous telehealth service or store and forward transfer shall be limited to those telehealth services that have an evidence base establishing the service's safety and efficacy.

- (2) A store and forward service shall be permissible if the primary purpose of the asynchronous interaction involves high quality digital data transfer, such as digital image transfers. An asynchronous telehealth service within the following specialties or instances of care that meets the criteria established in this section shall be reimbursable as a store and forward telehealth service:
 - (a) Radiology;
 - (b) Cardiology;
 - (c) Oncology;
 - (d) Obstetrics and gynecology;
 - (e) Ophthalmology and optometry, including a retinal exam;
 - (f) Dentistry;
 - (g) Nephrology;
 - (h) Infectious disease:
 - (i) Dermatology;
 - (j) Orthopedics;
 - (k) Wound care consultation;
- (I) A store and forward telehealth service in which a clear digital image is integral and necessary to make a diagnosis or continue a course of treatment;
- (m) A speech language pathology service that involves the analysis of a digital image, video, or sound file, such as for a speech language pathology diagnosis or consultation; or
- (n) Any code or group of services included as an allowed asynchronous telehealth service pursuant to subsection (4) of this section.
- (3) Unless otherwise prohibited by this section, an asynchronous telehealth service shall be reimbursable if that service supports an upcoming synchronous telehealth or <u>in-person</u>[face-to-face] visit to a provider that is providing one (1) of the specialties or instances of care listed in subsection (2) of this section.
- (4)(a) The department shall evaluate available asynchronous telehealth services quarterly, and may clarify that certain asynchronous telehealth services meet the requirements of this section to be included as permissible asynchronous telehealth, as appropriate and as funds are available, if those asynchronous telehealth services have an evidence base establishing the service's:
 - 1. Safety; and
 - 2. Efficacy.
- (b) Any asynchronous service that is determined by the department to meet the criteria established pursuant to this subsection shall be available on the department's Web site.
- (5) Except as allowed pursuant to subsection (4) of this section or otherwise within the Medicaid program, a provider shall not receive additional reimbursement for an asynchronous telehealth service if the service is an included or integral part of the billed office visit code or service code.
- (6)[(a)] <u>Pursuant to Section 7 of this administrative regulation</u>, remote patient monitoring shall [not] be an eligible telehealth service within the fee-for-service <u>and managed care</u> Medicaid <u>programs</u>.
- (7) Each asynchronous telehealth service shall involve timely actual input and responses from the provider, and shall not be solely the result of reviewing an artificial intelligence messaging generated interaction with a recipient[program unless that service is:
 - 1. Expanded pursuant to subsection (4) of this section;
 - 2. Otherwise included as a part of a department approved value based payment arrangement;

- 3. Otherwise included as a value added service or payment arrangement.
- (b) A managed care organization may reimburse for remote patient monitoring as a telehealth service if expanded pursuant to subsection (4) of this section or provided as a:
 - 1. Value based payment arrangement; or
 - 2. Value added service or payment arrangement].

<u>Section 7.[Section 5.]</u> Remote Patient Monitoring. (1) Conditions for which remote patient monitoring shall be covered include:

- (a) Pregnancy;
- (b) Diabetes;
- (c) Heart disease;
- (d) Cancer;
- (e) Chronic obstructive pulmonary disease;
- (f) Hypertension;
- (g) Congestive heart failure;
- (h) Mental illness or serious emotional disturbance;
- (i) Myocardial infarction;
- (i) Stroke; or
- (k) Any condition that the department determines would be appropriate and effective for remote patient monitoring.
- (2) Except for a recipient participating due to a pregnancy, a recipient receiving remote patient monitoring services shall have two (2) or more of the following risk factors:
 - (a) Two (2) or more inpatient hospital stays during the prior twelve (12) month period;
- (b) Two (2) or more emergency department admissions during the prior twelve (12) month period;
- (c) An inpatient hospital stay and a separate emergency department visit during the prior twelve (12) month period;
 - (d) A documented history of poor adherence to ordered medication regimens;
 - (e) A documented history of falls in the prior six (6) month period;
 - (f) Limited or absent informal support systems;
 - (g) Living alone or being home alone for extended periods of time;
 - (h) A documented history of care access challenges; or
 - (i) A documented history of consistently missed appointments with health care providers.
- (3) A recipient may participate in a remote patient monitoring program as the result of a pregnancy if the provider documents that the recipient has a condition that would be improved by a remote patient monitoring service.
 - (4) Remote patient monitoring shall be ordered by:
 - (a) A physician;
 - (b) An advanced practice registered nurse; [er]
 - (c) A physician[physician's] assistant; or
- (d) When operating within their scope of practice and licensure, the following behavioral health practitioners:
 - 1. A psychiatrist;
 - 2. A licensed psychologist;
 - 3. A licensed psychological practitioner;
 - 4. A certified psychologist with autonomous functioning;
 - 5. A licensed clinical social worker;
 - 6. A licensed marriage and family therapist;
 - 7. A licensed professional art therapist;
 - 8. A licensed clinical alcohol and drug counselor; or
 - 9. A licensed behavior analyst.

- (5) Providers who may provide remote patient monitoring services include:
- (a) A home health agency;
- (b) A hospital;
- (c) A federally qualified health center;
- (d) A rural health center;
- (e) A primary care center;
- (f) A physician;
- (g) An advanced practice registered nurse;
- (h) A *physician[physician's]* assistant;
- (i) A behavioral health multi-specialty group participating in the Medicaid program pursuant to 907 KAR 15:010;
- (j) A behavioral health services organization participating in the Medicaid program pursuant to 907 KAR 15:020 or 907 KAR 15:022;
- (k) A residential crisis stabilization unit participating in the Medicaid program pursuant to 907 KAR 15:070;
- (I) A chemical dependency treatment center participating in the Medicaid program pursuant to 907 KAR 15:080;
- (m) A community mental health center that is participating in the Medicaid program in compliance with 907 KAR 1:044, 907 KAR 1:045, or 907 KAR 1:047; or
- (n) A certified community behavioral health clinic that is participating in the Medicaid program.
 - (6) A recipient participating in a remote patient monitoring service shall:
- (a) Have the capability to utilize any monitoring tools involved with the ordered remote patient monitoring service. For the purposes of this paragraph, capability shall include the regular presence of an individual in the home who can utilize the involved monitoring tools; and
- (b) Have the internet or cellular internet connection necessary to accommodate[host] any needed remote patient monitoring equipment in the home.
 - (7) The department may restrict the remote patient monitoring benefit by excluding:
 - (a) Remote patient monitoring equipment;
 - (b) Upgrades to remote patient monitoring equipment; or
 - (c) An internet connection necessary to transmit the results of the services.

Section 8. Telephonic Services. Telephonic code reimbursement shall be:

- (1) An alternative option for telehealth care providers to deliver audio-only telecommunications services, and shall not supersede reimbursement for an audio-only telehealth service as established pursuant to KRS 205.559 or 205.5591;
 - (2) For a service that has an evidence base establishing the service's safety and efficacy;
 - (3) Subject to any relevant licensure board restrictions of the telehealth care provider;
- (4) Subject to any synchronous telehealth limits of this administrative regulation or other state or federal law; and
- (5) For a service that is listed on the most recent version of the *Medicaid* Physician Fee Schedule, as established by 907 KAR 3:010, Section 1(17).
- Section 9. Department Maintained List. (1) In order to assist with the effective and appropriate delivery of services, the department may establish and maintain an informational listing of procedure codes that are:
- (a) Not allowed to be provided via telehealth due to conflicts with the requirements established within state or federal law, or this administrative regulation; or
- (b) Subject to additional restrictions related to telehealth, such as a requirement that any telehealth associated with a procedure be conducted via a connection that has both video and audio of the recipient and provider.

(2) Any informational listing shall be available on the department's Web site at https://chfs.ky.gov/agencies/dms/Pages/default.aspx.

<u>Section 10.</u> Medical Records. (1) A medical record of a telehealth service shall be maintained in compliance with 907 KAR 1:672 and 45 C.F.R. 164.530(j).

(2) A health care provider shall have the capability of generating a hard copy of a medical record of a telehealth service.

<u>Section 11.[Section 6.]</u> Federal Financial Participation. A policy established in this administrative regulation shall be null and void if the Centers for Medicare and Medicaid Services:

(1) Denies federal financial participation for the policy; or

(2) Disapproves the policy.

<u>Section 12.[Section 7.]</u> Appeal Rights. (1) An appeal of a department determination regarding a Medicaid beneficiary shall be in accordance with 907 KAR 1:563.

(2) An appeal of a department determination regarding Medicaid eligibility of an individual shall be in accordance with 907 KAR 1:560.

(3) A provider may appeal a department-written determination as to the application of this administrative regulation in accordance with 907 KAR 1:671.

(4) An appeal of a managed care organization's determination regarding a Medicaid beneficiary shall be in accordance with 907 KAR 17:010.

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