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COMMISSIONER

March 01, 2023

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission 083
Capitol Annex Frankfort, Kentucky 40601

Re: 17 KAR 3:020 Charges for room and board, goods, and services at state
veterans' nursing homes.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the
issues raised by 17 KAR 3:020, the Kentucky Department of Veterans Affairs proposes
the attached amendment to 17 KAR 3:020.

Sincerely,

Tamara Reid-McIntosh, Esq.
Executive Director & Counsel
Office of Veteran Legal Services
Kentucky Department of Veterans Affairs
1111 Louisville Road, Suite B
Frankfort, KY 40601

Final, 2-23-2023

SUGGESTED SUBSTITUTE

OFFICE OF THE GOVERNOR
Department of Veterans Affairs
Office of Kentucky Veterans Services

17 KAR 3:020. Charges for room and board, goods, and services at state veterans' nursing homes.

RELATES TO: KRS 40.320, 40.325, 38 U.S.C. 1745(a), 42 C.F.R. Parts 413, 483

STATUTORY AUTHORITY: KRS 40.325~~(3)~~~~(2)~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 40.320 identifies the Commonwealth's duty to provide for the well-being of elderly and disabled veterans within state veterans' nursing homes. KRS 40.325~~(3)~~~~(2)~~ authorizes the Department of Veterans' Affairs to promulgate any administrative regulations necessary to operate the homes in compliance with applicable state and federal statutes and regulations. This administrative regulation establishes the methodology for establishing charges~~[maximum monthly resident charge]~~ for room and board, ~~[and]~~ goods, and services at state veterans' nursing homes.

Section 1. Definitions.

- (1) "Ancillary services" means services for which a separate charge is customarily made. Ancillary services include, for example, physical therapy, occupational therapy, speech therapy, laboratory procedures, x-ray services, oxygen services, optometry services, podiatry services, dentist services, audiology services, and pharmacy goods and services.
- (2) "Non-routine goods or services" mean those that are directly identifiable with an individual resident and which are not customarily intended for use by all residents including such things as transportation, special activities, cable television services, pay-per-view channels, private or personal phone service, hospitalization, ambulance services, hearing aids, dentures, cosmetology or beautician services (other than basic haircuts), orthotic devices, and specialty care and equipment.
- (3) "Nursing facility" means a state veterans' home (SVH) operated by the Kentucky Department of Veterans Affairs.
- (4) "Private pay" means residents who pay for their nursing home care out of personal funds.
- (5) "Private room" means a room in a state veterans' home that was not built in accordance with the federal VA's community living center or small house design requirements, VHA Handbook, Section 1142.01, or Small House Model design guide, and does not have a roommate.
- (6) "Resident" means a Kentucky veteran admitted to a state veterans' nursing facility.
- (7) "Room and board" means the room, dietary services, social services, nursing services, basic laundry services, the use of equipment and facilities, and routine medical and surgical supplies.
- (8) "Routine goods or services" mean those which are not identifiable to a particular individual resident, ~~[resident]~~ but which are used by all residents.
- (9) "Semi-private room" means a room in a state veterans' home that was not built in accordance with the federal VA's community living center or small house design requirements, VHA Handbook, Section ~~[Section]~~ 1142.01, or Small House Model design guide, and does have a roommate.
- (10) "Suite" means a private suite with a private bathroom including a shower that was built in accordance~~[accordance]~~ with the federal VA's community living center or small house design requirements, VHA Handbook, Section 1142.01, or Small House Model design guide.

Section 2. Charges at State Veterans Nursing Homes.

- (1)~~(a)~~ The private pay rate for room and board at a state veterans' nursing facility shall be established by each facility based on the total cost of care, community rates, and available revenue sources.
- ~~(b)~~ Any change to a facility's charges for room and board, goods, ~~or~~and/or services shall~~[will]~~ require advance notification in accordance with 42 C.F.R. Part 483, Subpart B- 483.10(g)(18)(ii).

(c) There ~~shall~~**will** be a separate and distinct charge for a semi-private room, a private room, and a suite.~~[according to the following schedule:]~~

~~[(a)] [Semi-private room—\$4,000/month;]~~

~~[(b)] [Private room—\$4,500/month; and]~~

~~[(c)] [Suite—\$5,000/month.]~~

(2) The total monthly charge for a private pay resident shall be:

(a) The applicable private pay rate for room and board;

(b) Any charge for non-routine goods or services; and

(c) Any charge for ancillary services.

Section 3. Computation of Room and Board Charges.

(1) The monthly charge ~~[(personal liability as indicated on the MAP-552)]~~ for a Medicaid qualified resident shall be established by the Kentucky Department of Medicaid services in accordance~~[accordance-]~~ with 907 KAR 1:006. All items and services considered by the Medicaid program to be non-covered as defined in 907 KAR 1:022, that were provided to Medicaid residents during any period of a covered stay, may be billed to the resident or another payer.

(2) If a veteran meets the requirements established in 38 U.S.C. 1745(a) for a service-connected disability, the veteran shall not be charged for any room and board, goods, or services.

~~(3) [The monthly charge for a private pay veteran shall be established in accordance with Section 2 of this administrative regulation.]~~

~~[(3)] [If a veteran meets the requirements established in 38 U.S.C. 1745(a) for a service-connected disability, the veteran shall not be charged for any room and board, goods, or services.]~~

~~[(4)]~~ The monthly charge for a Medicare recipient qualifying for skilled services shall be the applicable co-payments as established by the Centers for Medicare and Medicaid services in 42 C.F.R. Part 413.

~~(4)~~~~[(5)]~~ A late fee of six (6) percent per annum may be assessed on any unpaid balances.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) U.S. Department of Veterans Affairs, "VHA Handbook, Section 1142.01", August 13, 2008; and

(b) U.S. Department of Veterans Affairs, "Small House Model design guide", January 2017.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Kentucky Veterans Centers, Kentucky Department of Veterans Affairs, 1111B Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. **This material is also available on the U.S. Department of Veterans Affairs Web site at <https://www.va.gov/vhapublications/index.cfm>.**

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KENTUCKY PUBLIC PENSIONS AUTHORITY

David L. Eager, Executive Director

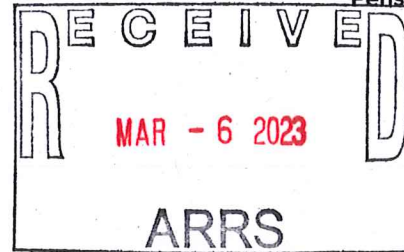
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Kentucky Public
Pensions Authority

March 6, 2023

Ms. Emily Caudill, Regulations Compiler
Legislative Research Commission
083, Capitol Annex
Frankfort KY 40601



Re: 105 KAR 1:001 Definitions for 105 KAR Chapter 1.

Dear Ms. Caudill:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 105 KAR 1:001, the Kentucky Public Pensions Authority proposes the attached amendment to 105 KAR 1:001.

Sincerely,

Jessica Beaubien

Jessica Beaubien, Policy Specialist
Kentucky Public Pensions Authority
1270 Louisville Road
Frankfort, KY 40601

SUGGESTED SUBSTITUTE

FINANCE AND ADMINISTRATION CABINET
Kentucky Retirement Systems

105 KAR 1:001. Definitions for ~~[KAR Title]~~ 105 KAR Chapter 1.

RELATES TO: KRS 16.505-~~[to]~~16.652, 61.510-~~[to]~~61.705, ~~[and]~~78.510-~~[to]~~78.852

STATUTORY AUTHORITY: KRS 61.505(1)(g)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pension Authority on behalf of the Kentucky Retirement Systems and the County Employees Retirement System to promulgate ~~[all]~~ administrative regulations that are consistent with the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852. This administrative regulation establishes definitions for ~~[Title]~~ 105 KAR Chapter 1 ~~[of the Kentucky Administrative Regulations]~~.

Section 1. Definitions. The following definitions shall apply to 105 KAR Chapter 1 ~~[as used in Title 105 of the Kentucky Administrative Regulations.]~~ unless otherwise required by context or otherwise defined in a specific administrative regulation:

(1) "AAC" means:

(a) Prior to April 1, 2021, the Administrative Appeals Committee of the Board of Trustees of the Kentucky Retirement Systems.

(b) Beginning April 1, 2021, the separate or joint Administrative Appeals Committees of the Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of the County Employees Retirement System in accordance with KRS 61.645(16) and 78.782(16).

(2) ~~["Accumulated employer credit" is defined in KRS 16.505(39), 61.510(40), and 78.510(37)~~

~~(3)]~~ "Accumulated account balance" is defined by/in KRS 16.505(40), 61.510(41), and 78.510(38).

~~(3) [(4)]~~ "Accumulated contributions" is defined by/in KRS 16.505(7), 61.510(12), and 78.510(12).

(4) "Accumulated employer credit" is defined by KRS 16.505(39), 61.510(40), and 78.510(37).

(5) "Act in line of duty" or "in line of duty" is defined by/in KRS 16.505(19) and 78.510(48).

(6) "Active member" means a member who is participating in the systems.

(7) "Actuarial equivalent" is defined by/in KRS 16.505(13), 61.510(17), and 78.510(17).

(8) "Agency" means:

(a) Prior to April 1, 2021, the Kentucky Retirement Systems, which administered the State Police Retirement System, the Kentucky Employees Retirement System, and the County Employees Retirement System; and

(b) Beginning April 1, 2021, the Kentucky Public Pensions Authority, which is authorized to carry out the day-to-day administrative needs of the Kentucky Retirement Systems (comprised of the State Police Retirement System and the Kentucky Employees Retirement System) and the County Employees Retirement System.

(9) "Agency reporting official" is defined by/in KRS 78.510(20).

(10) "Alternate payee" is defined by/in KRS 16.505(38), 61.510(39), and 78.510(36).

(11) "Authorized leave of absence" is defined by/in KRS 16.505(14).

(12) "Beneficiary" is defined by/in KRS 16.505(25), 61.510(26), and 78.510(25).

(13) "Boards" means the Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of the County Employees Retirement System.

(14) "Bona fide promotion or career advancement" is defined by/in KRS 61.598(1) and 78.545(22).

(15) "Career threshold" is defined by/in KRS 61.702(4)(e)9.a. and 78.5536(4)(e)9.a.

(16) "County" is defined by/in KRS 78.510(3).

(17) "Creditable compensation" is defined by/in KRS 16.505(8), 61.510(13), and 78.510(13).

(18) "Current rate of pay" is defined by/in KRS 16.505(24), 61.510(25), and 78.510(24).

(19) "Current service" is defined by/in KRS 16.505(4), 61.510(10), and 78.510(10).

(20) "DAC" means:

(a) Prior to April 1, 2021, the Disability Appeals Committee of the Board of Trustees of the Kentucky Retirement Systems.

(b) Beginning April 1, 2021, the separate or joint Disability Appeals Committees of the Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of the County Employees Retirement System in accordance with KRS 61.665(4) and 78.545(11).

(21) "Department" is defined by/in KRS 61.510(3).

(22) "Dependent child" is defined by/in KRS 16.505(17) and 78.510(49).

(23) "Disability retirement date" is defined by/in KRS 16.505(16), 61.590(5)(b), and 78.510(51).

(24) "Duty-related injury" is defined by/in KRS 61.621(2) and 78.545(20).

(25) "Early retirement date" is defined by/in KRS 16.505(20), 61.590(5)(c), and 78.545(4).

(26) "Employee" is defined by/in KRS 61.510(5) and 78.510(6).

(27) "Employer" is defined by/in KRS 16.505(3), 61.510(6), and 78.510(7).

(28) "Employer's effective cessation date" is defined by/in KRS 61.522(1)(c) and 78.535(1)(c).

(29) "End of day" means 11:59 p.m. Eastern Time, on the date referenced.

(30) "Examiner" means the medical examiners as provided in KRS 61.665 and 78.545(11).

(31) "File" means a form or document has been received at the retirement office by mail, fax, secure email, in-person delivery, or via Self Service on the Web site maintained by the agency (if available).

(32) "Final compensation" is defined by/in KRS 16.505(9), 61.510(14), and 78.510(14).

(33) "Final rate of pay" is defined by/in KRS 16.505(10), 61.510(15), and 78.510(15).

(34) "Fiscal year" is defined by/in KRS 16.505(32), 61.510(19), and 78.510(19).

(35) "Gainful employment" means work in any capacity that is, or may be, performed with regularity and is, or may be, usually done for pay, whether or not pay is received, including seasonal, volunteer, part-time, and on-call work.

(36) "Grandfathered service" is defined by/in KRS 61.552(9)(b) and 78.545(7).

(37) "Hazardous disability" is defined by/in KRS 16.505(23) and 78.510(47).

(38) "Hazardous position" means a regular full-time officer as defined by/in 16.505(22), or a "hazardous position" as defined by/in 61.592(1)(a), 78.510(42), and 78.5520(1).

(39) "Hospital and medical insurance plan" is defined by/in KRS 61.702(1)(a) and 78.5536(1)(a).

(40) "In line of duty" or "act in line of duty" is defined by/in KRS 16.505(19) and 78.510(48).

(41) "Inactive member" means a member who is not participating in the system.

(42) "Increment" is defined by/in KRS 61.510(29) and 78.510(44).

(43) "Instructional staff" is defined by/in KRS 61.510(48).

(44) "Invalid," if/when used in reference to a form, means that the form does not meet the requirements to be valid, and shall not be processed by the agency.

(45) "Last day of paid employment" is defined by/in KRS 16.505(30), 61.510(32), and 78.510(45).

(46) "Level percentage of payroll amortization method" is defined by/in KRS 61.510(28) and 78.510(43).

(47) "Medical information" as used in KRS 61.610, 61.615, 61.665, 78.5526 and 78.5528:

(a)/, Means reports of examinations or treatments; medical signs that/which are anatomical, physiological, or psychological abnormalities that can be observed; psychiatric signs that/which are medically demonstrable phenomena indicating specific abnormalities of behavior, affect, thought, memory, orientation, or contact with reality; or laboratory findings that/which are anatomical, physiological, or psychological phenomena that can be shown by medically acceptable laboratory diagnostic techniques, including ~~[but not limited to]~~ chemical tests, electrocardiograms, electroencephalograms, X-rays, and psychological tests; and

(b) Does not mean/, written statements from medical providers alone ~~[are not medical information]~~ unless accompanied by supporting contemporaneous records as established/discussed in paragraph (a) of this subsection.

(48) "Member" is defined by/in KRS 16.505(21), 61.510(8), and 78.510(8).

(49) "Membership date" is defined by/in KRS 16.505(35), 61.510(36), and 78.510(33).

(50) "Month" is defined by/in KRS 16.505(34), 61.510(35), and 78.510(32).

(51) "Monthly average pay" is defined by/in KRS 16.505(41), 61.510(45), and 78.510(52).

- (52) "Monthly contribution rate" is defined **by/in]** KRS 61.702(1)(b) and 78.5536(1)(b).
- (53) "Nominal fee" is defined **by/in]** KRS 61.510(43) and 78.510(40).
- (54) "Non-core services independent contractor" is defined **by/in]** KRS 61.5991(9).
- (55) "Nonhazardous position" is defined **by/in]** KRS 61.510(44) and 78.510(41).
- (56) "Normal retirement age" means the age at which the member meets the requirements for his or her normal retirement date.
- (57) "Normal retirement date" is defined **by/in]** KRS 16.505(15), 61.510(18), 61.590(5)(a), and 78.510(18).
- (58) "Objective medical evidence" is defined **by/in]** KRS 16.505(31), 61.510(33), and 78.510(46).
- (59) "Officers and employees of the General Assembly" is defined **by/in]** KRS 61.510(20).
- (60) "Optional allowance" is defined **by/in]** KRS 16.505(18).
- (61) "Participant" is defined **by/in]** KRS 16.505(36), 61.510(37), and 78.510(34).
- (62) "Participating" is defined **by/in]** KRS 16.505(33), 61.510(34), and 78.510(31).
- (63) "Participating employer" means any employer that participates in one (1) of the systems operated by the agency.
- (64) "Participation date" means the earlier of "membership date" as defined in this section or the date on which the member began participating in another state-administered retirement system if the member has not retired or taken a refund from the other state-administered retirement system.
- (65) "Past service" is defined **by/in]** KRS 61.552(5)(a) and 78.545(7).
- (66) "Person" means a natural person.
- (67) "Premium" means the monthly dollar cost required to provide hospital and medical insurance plan coverage for a recipient, a recipient's spouse, or a disabled or dependent child.
- (68) "Prior service" is defined **by/in]** KRS 16.505(5), 61.510(11), and 78.510(11).
- (69) "Provide," **if/when]** used in reference to a form or other document, means the agency makes a form or document available on its Web site (if appropriate) or by mail, fax, secure email, or via Self Service on the Web site maintained by the agency (if available).
- (70) "Qualified domestic relations order" is defined **by/in]** KRS 16.505(37), 61.510(38), and 78.510(35).
- (71) "Recipient" is defined **by/in]** KRS 16.505(26), 61.510(27), and 78.510(26).
- (72) "Reemployment" means the retired member's first date of employment with a participating employer following his or her most recent retirement date.
- (73) "Regular full-time officers" is defined **by/in]** KRS 16.505(22).**1]**
- (74) "Regular full-time position" is defined **by/in]** KRS 61.510(21) and 78.510(21).
- (75) "Retired member" is defined **by/in]** KRS 16.505(11), 61.510(24), and 78.510(23).
- (76) "Retirement allowance" is defined **by/in]** KRS 16.505(12), 61.510(16), and 78.510(16).
- (77) "Retirement office" is defined **by/in]** KRS 16.505(28), 61.510(31), and 78.510(29).
- (78) "School board" is defined **by/in]** KRS 78.510(4).
- (79) "School term or year" is defined **by/in]** KRS 78.510(28).
- (80) "Service" is defined **by/in]** KRS 16.505(6), 61.510(9), and 78.510(9).
- (81) "State" means the Commonwealth of Kentucky.
- (82) "Systems" means the State Police Retirement System (KRS 16.505 to 16.652), the Kentucky Employees Retirement System (KRS 61.510 to 61.705), and the County Employees Retirement System (KRS 78.510 to 78.852).
- (83) "Total and permanent disability" is defined **by/in]** KRS 16.582(1)(a) and 78.5524(1)(a)1.
- (84) "Valid," **if/when]** used in reference to a form, means that all required sections of a form are filled out, the form has been fully executed by the required person or the person's legal representative, and all supporting documentation required by the form is included with the form.
- (85) "Volunteer" is defined **by/in]** KRS 61.510(42) and 78.510(39).



KENTUCKY PUBLIC PENSIONS AUTHORITY

David L. Eager, Executive Director

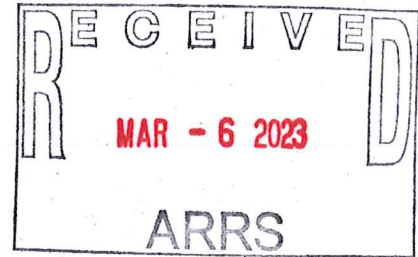
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Kentucky Public
Pensions Authority

March 6, 2023

Ms. Emily Caudill, Regulations Compiler
Legislative Research Commission
083, Capitol Annex
Frankfort KY 40601



Re: 105 KAR 1:365 Hybrid cash balance plan.

Dear Ms. Caudill:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 105 KAR 1:365, the Kentucky Public Pensions Authority proposes the attached amendment to 105 KAR 1:365.

Sincerely,

Jessica Beaubien

Jessica Beaubien, Policy Specialist
Kentucky Public Pensions Authority
1270 Louisville Road
Frankfort, KY 40601

SUGGESTED SUBSTITUTE

FINANCE AND ADMINISTRATION CABINET Kentucky Retirement Systems

105 KAR 1:365. Hybrid cash balance plan.

RELATES TO: KRS 16.505, 16.543, 16.577, 16.578, 16.583, 61.505, 61.510, 61.542, 61.543, 61.552, 61.559, 61.565, 61.592, 61.5955, 61.597, 61.615, 61.625, 61.637, 61.640, 61.680, 61.702, 78.510, 78.545, 78.5510, 78.5512, 78.5514, 78.5516, 78.5520, 78.5528, 78.5532, 78.5536, 78.5540, 78.5542, 78.615, 78.635, 38 U.S.C. [s]4301-4335, 26 U.S.C. [s]414(u)

STATUTORY AUTHORITY: KRS 61.505(1)(g)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority on behalf of the Kentucky Retirement Systems and the County Employees Retirement System to promulgate ~~[all]~~ administrative regulations that are consistent with the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852. KRS 16.583, 61.597, 78.5512, and 78.5516 create a hybrid cash balance plan tier for members of the State Police Retirement System, Kentucky Employees Retirement System, and County Employees Retirement System with participation dates on or after January 1, 2014, or members making an election pursuant to KRS 61.5955 and 78.545. This administrative regulation establishes the procedures and requirements for the administration of the hybrid cash balance plan tier.

Section 1. Definitions.

(1) ~~["Decompression" means service purchased by a member for a period of time not to exceed ninety (90) days between the member's discharge from active-duty military service and the member's return to employment with a participating employer, if the member returned from military leave and did not immediately return to work, in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Decompression shall be credited to the member's account after the member has paid the employee contributions that would have been paid by the member for this period of time in accordance with KRS 16.543, 61.543, and 78.615. The employer also shall pay the employer contributions for this period of time in accordance with KRS 61.565 and 78.635.~~

(2) ~~"Military omitted" means service purchased by a member with a participation date on or after January 1, 2014, who was called to active-duty military in accordance with KRS 61.552(1) and 78.545. Military omitted is credited to the member's account only if the member has paid the employee contributions that would have been paid by the member for this period of time in accordance with KRS 16.543, 61.543, and 78.615. The employer also shall pay the employer contributions for this period of time in accordance with KRS 61.565 and 78.635.~~

(3) ~~["Nonvested member" means a member of the Systems who has less than five (5) years of service credited under KRS 16.543, 61.543, and 78.615 and who participates in the hybrid cash balance plan tier based on:~~

- (a) A participation date on or after January 1, 2014, or
- (b) Opting into the hybrid cash balance plan with a participation date between September 1, 2008 and December 31, 2013.

~~(2) [(4)] "Vested member" means a member of the Systems who has five (5) or more years of service credited under KRS 16.543, 61.543, and 78.615 and who participates in the hybrid cash balance plan tier based on:~~

- (a) A participation date on or after January 1, 2014, or
- (b) Opting into the hybrid cash balance plan with a participation date between September 1, 2008 and December 31, 2013.

Section 2. **Military Service Credit.**

(1)(a) Decompression service shall mean service purchased by a member for a period of time not to exceed ninety (90) days between the member's discharge from active-duty military service and the member's return to employment with a participating employer, if the member returned from military leave and did not immediately return to work, in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301-4333.

(b) Decompression shall be credited to the member's account after the member has paid the employee contributions that would have been paid by the member for this period of time in accordance with KRS 16.543, 61.543, and 78.615.

(c) The employer shall pay the employer contributions for the period of decompression in accordance with KRS 61.565 and 78.635.

(2)(a) Military omitted service shall mean service purchased by a member with a participation date on or after January 1, 2014, who was called to active-duty military in accordance with KRS 61.552(1) and 78.545.

(b) Military omitted shall be credited to the member's account only if the member has paid the employee contributions that would have been paid by the member for this period of time in accordance with KRS 16.543, 61.543, and 78.615.

(c) The employer shall pay the employer contributions for the period of military omitted in accordance with KRS 61.565 and 78.635.

Section 3. Application.

(1) Systems. This administrative regulation **shall apply[applies]** to the hybrid cash balance plan tier within each of the Systems.

(2) Members. Except as provided in subsections (3) and (4) **of this section**, this administrative regulation **shall apply[applies]** solely to members who begin participating in the Systems on or after January 1, 2014, and who do not have a participation date in any other state-administered retirement system that is prior to January 1, 2014.

(3) Irrevocable Election. This subsection **shall apply[applies]** only to members with a participation date in the Systems between September 1, 2008 and December 31, 2013, who have not received a retirement benefit from the Systems.

(a) Pursuant to KRS 61.5955 and 78.545, a member with a participation date in the Systems between September 1, 2008 and December 31, 2013, may make a one-time, irrevocable election to receive the benefits and rights provided under the hybrid cash balance plan tier as defined in KRS 16.583, 61.597, 78.5512, and 78.5516 in lieu of benefits he or she is currently eligible to receive from the Systems.

1. A member with a participation date based on service in the Systems or service in another state-administered retirement system prior to September 1, 2008 shall not be eligible to make this one-time, irrevocable election upon separation of accounts in accordance with KRS 61.680, 78.5542, and 105 KAR 1:020.

2. A member with a participation date in the Systems between September 1, 2008 and December 31, 2013 who also has service in another state-administered retirement system between September 1, 2008 and December 31, 2013 shall be eligible to make this one-time, irrevocable election only upon separation of the member's account in the Systems from the member's account in the other state-administered retirement system as **established[indicated]** in Section **6(6)[5(6)]** of this administrative regulation and in accordance with KRS 61.680, 78.5542, and 105 KAR 1:020.

(b)

1. Eligible members who make the one-time, irrevocable election as described in paragraph (a) of this subsection shall only be entitled to retain purchased service that is recontribution of a refund, omitted, omitted with interest, decompression, or service purchased in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA); the agency shall remove any other purchased service from total months of service credit and refund the cost of that service back, plus interest, to the source of the purchase.

2. Eligible members who make the one-time, irrevocable election as described in paragraph (a) of this subsection shall not retain any active duty military service pursuant to KRS 61.552(1) and 78.545, unless the eligible member is currently participating in one of the systems and pays the military omitted.

(c) Members eligible to make the one-time, irrevocable election as described in paragraph (a) of this subsection shall be provided information detailing the potential results of ~~that[such an]~~ election via Member Self Service on the Web site maintained by the agency, which shall reflect service credit purchases retained and refunded as described in paragraph (b) of this subsection, and may receive additional information from the agency's counselors upon request.

(d) The agency shall provide Form 2013, Hybrid Cash Balance Plan Opt-In Election, on which the member can make a one-time, irrevocable election as described in paragraph (a) of this subsection, available to the member via Member Self Service on the Web site maintained by the agency.

(e) The agency shall not process an eligible member's one-time, irrevocable election as described in paragraph (a) of this subsection until a complete and correct Form 2013, Hybrid Cash Balance Plan Opt-In Election, is on file at the retirement office.

(f) The effective date of the eligible member's one-time, irrevocable election as described in paragraph (a) of this subsection shall be the date on which the completed Form 2013, Hybrid Cash Balance Plan Opt-In Election, is received at the retirement office.

(4) Prior Participation that has been refunded. This subsection shall apply[applies] to a member with a participation date with the Systems prior to January 1, 2014, who terminates employment, and who takes a refund of accumulated contributions pursuant to KRS 61.625 and 78.545.

(a) If ~~that[such a]~~ person is reemployed on or after January 1, 2014, in a regular full-time position required to participate in one of the Systems and does not have a participation date with any other state-administered retirement plan prior to January 1, 2014, the person shall become[becomes] a member of the hybrid cash balance plan tier.

(b) If ~~that[such a]~~ member purchases his or her previously refunded service in accordance with KRS 61.552(3) and 78.545(7), the purchased service shall only be used to determine the member's years of service credited and shall not be used to determine the member's participation date.

Section 4.[3.] Construction of Administrative Regulation. KRS 16.505 to 16.652, KRS 61.510 to 61.705, KRS 78.510 to 78.852, and KAR Title 105 ~~[of the Kentucky Administrative Regulations]~~ shall apply to the hybrid cash balance plan tier except ~~iff[where]~~ required by or as necessary for the administration of the hybrid cash balance plan tier under KRS 16.583, 61.597, 78.5512, and 78.5516.

Section 5.[4.] Trust Assets. All contributions made with respect to each Systems' hybrid cash balance plan tier shall be held in the trust for the respective System. ~~[There shall be no segregation of]~~ Assets for the hybrid cash balance plan tier shall not be segregated from the assets for other tiers for the respective System.

Section 6.[5.] Reciprocity.

(1) All service credit with other state-administered retirement systems, including the Judicial and Legislators' Plan and the Teachers' Retirement System, shall be used for determining a member's years of service credited for purposes of eligibility for annuitization, unless:

(a) The member has separated the member's account[their account(s)] with another state-administered retirement systems by filing a complete Form 2022, Separation of Accounts;[.] or

(b) The member previously retired based on the service with the other state-administered retirement system.

(2) Service credit in another state-administered retirement system shall not be used for determining whether a member who is not eligible to retire in the hybrid cash balance plan tier has the five (5) years of service required in order to receive a full refund of his or her accumulated account balance under KRS 16.583(5)(b), 61.597(5)(b), 78.5512(5)(b), and 78.5516(5)(b).

(3) Service credit in the cash balance plan tier ~~shall~~**will** be counted as service for the other state-administered retirement systems and as service for hospital and medical insurance and managed care plan coverage pursuant to KRS 61.702 and 78.5536.

(4) ~~[In no event will]~~The same service credit ~~shall not~~ be counted for benefit calculation purposes for more than one state-administered retirement system or tier **under any circumstances**.

(5) A member who is participating in the hybrid cash balance tier in more than one of the Systems ~~shall~~**will** have to retire at the same time and elect the same retirement benefit option in all applicable Systems, unless the member has requested that his or her accounts be separated in accordance with 105 KAR 1:020.

(6) A member with a participation date in the Systems between September 1, 2008 and December 31, 2013 may make a one-time, irrevocable election to have each system treat his or her service credit in that system without regard to any other service credit, by filing a Form 2022, Separation of Accounts, requesting that his or her accounts be separated in accordance with KRS 61.680 and 78.5542. If so requested, "final compensation" shall be based on the creditable compensation earned under each system separately.

(a) Members who are eligible and seeking to make the one-time, irrevocable election to separate accounts shall be provided information detailing the potential results of ~~that~~**such an** election from the agency's counselors.

(b) The agency shall provide Form 2022, Separation of Accounts, on which the member can make the one-time, irrevocable election to separate accounts.

(c) The agency shall not process an eligible member's one-time, irrevocable election to separate accounts until the member has received the information **required by**~~indicated in~~ paragraph (a) of this subsection and a complete and correct Form 2022, Separation of Accounts, is on file at the retirement office.

(d) The effective date of the eligible member's one-time, irrevocable election to separate accounts shall be the date on which the completed Form 2022, Separation of Accounts, is received at the retirement office.

Section ~~7.6~~**7** Lump-sum Distributions upon Termination of Employment or Death for Nonvested Members.

(1) Termination of Employment. A nonvested member eligible for a refund pursuant to KRS 61.625 and 78.545 shall only be refunded his or her accumulated contributions, and shall forfeit any accumulated employer credit.

(2) Death before Retirement. Upon the death of a nonvested member, the beneficiary designated by the member pursuant to KRS 61.542(1)-(2) and 78.545~~-(2)~~ (or if no designated beneficiary, the member's estate) shall only be entitled to receive a lump-sum payment of the nonvested member's accumulated contributions, and shall not be entitled to receive payment of any accumulated employer credits.

(3) Rollovers. A nonvested member or the designated beneficiary of a nonvested member who receives a refund of accumulated contributions may elect to have the refunded accumulated contributions paid directly to an eligible retirement plan in accordance with 105 KAR 1:270 and 105 KAR 1:345.

Section ~~8.7~~**8** Lump-sum Distributions upon Termination or Distributions upon Death of Vested Members.

(1) Termination of Employment.

(a) Upon termination of employment with all employers participating in the same Systems in which the member has service credit, a vested member who is not otherwise eligible to retire may elect to take a refund of his or her accumulated account balance.

(b)

1. Upon termination of employment with all employers participating in one or more of the Systems, a vested member who is eligible for retirement may elect to take a refund of his or her accumulated account balance, in lieu of other retirement payment options provided in KRS 16.583(7), 61.597(7), 78.5512(7), and 78.5516(7).

2. The member's election to take a refund of his or her accumulated account balance as described in subparagraph 1 of this paragraph shall be treated as a retirement and the member shall be a retired member ineligible to participate or accrue additional benefits in the Systems upon subsequent reemployment with any participating employer pursuant to KRS 61.637 and 78.5540. Additionally, the member who has made the election described in subparagraph 1 of this paragraph shall be subject to all requirements and restrictions for reemploying with a participating employer in KRS 61.637, 78.5540 and 105 KAR 1:390.

(2) Death before Retirement.

(a) Upon the death of a vested member participating in the Systems, the vested member's designated beneficiary (or if no designated beneficiary, the member's estate) **shall be/is** entitled to a lump-sum distribution of the vested member's accumulated account balance in accordance with KRS 61.625(1)(a) and 78.545(5). The designated beneficiary may also be entitled to the other payment options available for a death before retirement pursuant to KRS 16.578, 61.640, and 78.5532.

(b) Upon the death of a vested member who is not participating in the Systems at the time of death and who has not taken a refund or retirement benefit, if the vested member has fewer than twelve (12) years of service credited, the vested member's designated beneficiary (or if no designated beneficiary, the member's estate) **shall be/is** entitled to a lump-sum distribution of the member's accumulated account balance in accordance with KRS 61.625(1)(a) and 78.545(5). If the vested member has twelve (12) or more years of service credited, the designated beneficiary may also be entitled to other payment options available for a death before retirement pursuant to KRS 16.578, 61.640, and 78.5532.

(3) Rollover. A vested member or the designated beneficiary of a vested member who takes a lump-sum distribution of the vested member's accumulated account balance under this section may elect to have the lump-sum distribution paid directly to an eligible retirement plan in accordance with 105 KAR 1:270 and 105 KAR 1:345.

Section **9/[8]** Eligibility for an Annuity.

(1) At Normal Retirement Age. Subject to Section **6/[5]** of this administrative regulation, a vested member who reaches normal retirement age under the applicable System's statutory provisions and who terminates employment with all participating employers **shall be/is** eligible to retire and may elect to annuitize his or her accumulated account balance or take a lump-sum distribution of his or her accumulated account balance as provided in Section **8(1)(b)[7(1)(b)]** of this administrative regulation.

(2) Additional Eligibility for Annuitization for Members with Hazardous position Service. A member who has hazardous position service as provided in KRS 16.505-16.652, 61.592 and 78.5520, who has 25 or more years of service credited under KRS 16.543(1), 61.543(1), or 78.615(1) or any other Kentucky state-administered system, and who terminates employment with all employers participating in the Systems **shall be/is** eligible to retire and may elect to annuitize his or her accumulated account balance or take a lump-sum distribution of his or her accumulated account balance as provided in Section **8(1)(b)[7(1)(b)]** of this administrative regulation.

(3) Additional Eligibility for Annuitization for Members with Service Only in a Nonhazardous Position. A member with exclusively nonhazardous position service who is at least age fifty-seven (57), who has an age plus years of service total of at least eighty-seven (87) years, and who terminates employment with all employers participating in the Systems **shall be/is** eligible to retire and may elect to annuitize his or her accumulated account balance or take a lump-sum distribution of his or her accumulated account balance as provided in Section **8(1)(b)[7(1)(b)]** of this administrative regulation.

(4) Annuitization. A member who elects to annuitize his or her accumulated account balance may receive a retirement benefit determined in accordance with actuarial assumptions and actuarial methods adopted under subsection (6) of this section and in effect on the member's retirement date.

(5) Return of Contributions. If the retirement benefit payment option selected by the vested member includes a guaranteed return of contributions, that retirement benefit payment option shall be interpreted to mean that guarantee applies to the accumulated account balance.

(6) Board Action with respect to Annuitization. The **[actions of the]** Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of the County Employees Retirement System **shall[to]** adopt **actuarial** assumptions and methods **that will apply to a specific fiscal year prior to the start**

~~of that fiscal year[are incorporated by reference under this administrative regulation. Each Board shall adopt the actuarial assumptions that will apply to a specific fiscal year prior to the start of that fiscal year].~~

(7) Eligibility for Retiree Hospital and Medical Benefit. Only a member who is receiving a monthly annuitized benefit shall be[is] eligible for hospital and medical insurance and managed care plan coverage. A member who takes a lump-sum refund or lump-sum retirement benefit shall[is] not be eligible for hospital and medical insurance and managed care plan coverage.

Section ~~10.[9.]~~ Disability retirement. A member participating in the hybrid cash balance plan tier in one or more of the Systems whose disability retirement allowance is discontinued pursuant to KRS 61.615 and 78.5528 shall begin receiving retirement benefits, if eligible, under KRS ~~16.583(6),~~ 61.597(6), 78.5512(6), ~~or 78.5516(6)[, or 16.583(6)],~~ but shall not be eligible for early retirement benefits under KRS 61.559, 78.5510, 78.5514, or 16.577.

Section ~~11.[40.]~~ Purchase of Service Credit.

(1) Members participating in the hybrid cash balance plan tier shall only be eligible to purchase service credit that is recontribution of a refund, omitted, omitted with interest, military omitted, decompression, or under the Uniformed Services Employment and Reemployment Rights Act (USERRA), and shall not be eligible to make any other types of service purchases.

(2) Uniformed Services Employment and Reemployment Rights Act (USERRA) Service.

(a) Years of service credited shall be determined as required by USERRA.

(b) In order to receive service credit for military omitted, decompression, or under the Uniformed Services Employment and Reemployment Rights Act (USERRA), the member shall pay the member contributions in accordance with KRS 16.543, 61.543, and 78.615, as though the member was employed during the period of his or her active military duty or decompression.

(c) The employer shall pay all employer contributions owed in accordance with KRS 61.552, 61.565, 78.545, and 78.635.

(3) Repayment of Refunded Contributions Plus Interest Credits or Accumulated Account Balance.

(a) Upon reemployment with a participating employer in a regular full-time position required to participate in the Systems or participation in another state-administered retirement system, a nonvested member who took a refund of his or her member contributions plus interest credits may regain the refunded service credit by repaying, with interest at a rate determined by the board of the respective retirement system, the amount refunded with post-tax employee contributions or a rollover or transfer allowed under the Internal Revenue Code. Although the repayments of refunded contributions plus interest credit shall be used to determine the member's service credited, the repayment of the amount refunded shall not be used to determine a member's participation date.

(b) Upon reemployment with a participating employer in a regular full-time position required to participate in the Systems or participation in another state-administered retirement system, a vested member who was not eligible to retire and who took a refund of his or her accumulated account balance may regain the refunded service credit by repaying, with interest at a rate determined by the board of the respective retirement system, the amount refunded with post-tax employee contributions or a rollover or transfer allowed under the Internal Revenue Code. Although the repayments of the refunded accumulated account balance shall be used to determine the member's service credited, the repayment of the amount refunded shall not be used to determine a member's participation date.

(4) Omitted Service. Any person who is entitled to service credit in the hybrid cash balance plan tier that was not reported in accordance with KRS 16.543, 61.543, or 78.615 may pay the amount of member contributions that would have been due on that service in order to receive credit for the service in the hybrid cash balance plan tier. However, the service shall not be credited to the member's account until employer contributions for the service are received by the Systems. Once member and employer contributions have been received, accumulated employer credits shall be reflected in the member's account.

Section ~~12.[44.]~~ Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Form 2013, "Hybrid Cash Balance Plan Opt-In Election", February 2021; and

(b) Form 2022, "Separation of Accounts", September 2022.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Kentucky Public Pensions Authority's Web site at kyret.ky.gov.

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

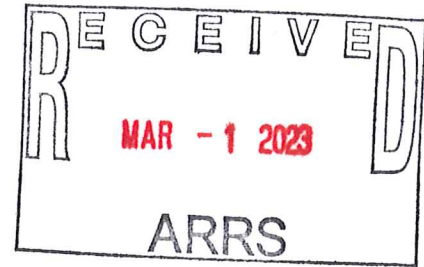
KENTUCKY BOARD OF VETERINARY EXAMINERS

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March 1, 2023



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

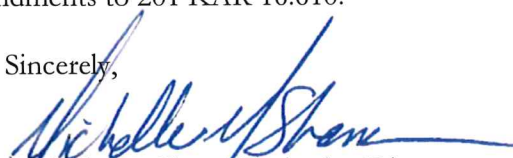
RE: 201 KAR 16:550 - Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:552 - Responsibilities for certified animal control agencies; limitations on drugs; 201 KAR 16:560 - Certification as an animal euthanasia specialist; 201 KAR 16:562 - Duties and responsibilities of an animal euthanasia specialist; 201 KAR 16:572 - Certificate renewal for animal control agencies and animal euthanasia specialists; renewal notice; and 201 KAR 16:610 - Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Lewis,

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:550, 16:552, 16:560, 16:562, 16:572, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:550, 16:552, 16:560, 16:562, and 16:572.

Please note there were no proposed staff amendments to 201 KAR 16:610.

Sincerely,


Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners



Final, 2-27-2023

Staff-Suggested Amendment

**BOARDS AND COMMISSIONS
Board of Veterinary Examiners**

201 KAR 16:550. Authorization for animal control agencies to apply for a restricted controlled substances certificate from the DEA.

**Page 1
RELATES TO
Line 6**

After "321.207," delete "321.325(7)."

**Page 1
NECESSITY, FUNCTION, AND CONFORMITY
Line 16**

After "application", insert a comma.

Delete "and" immediately following.

After "renewal", insert ", and reinstatement".

**Page 2
Section 1(2)
Line 5**

After "KRS Chapter 321 and", insert "201 KAR Chapter 16".

Delete "associated regulations".

**Page 3
Section 2(6)(a)
Line 8**

After "manager of the", insert "animal".

**Page 4
Section 3(2)(b)
Line 8**

After "Each", insert opening quotation marks.

Delete "".

After "active", insert closing quotation marks.

Delete "".

Lines 9 -10

After "moved to", insert opening quotation marks.

Delete "".

After "inactive", insert closing quotation marks.

Delete "".

**Page 4
Section 3(2)(d)
Line 15**

After "201 KAR 16:552", insert a comma.

After "Practice Act", insert the following:

(KRS Chapter 321), and 201 KAR Chapter 16.

Page 5

Section 4(2)

Line 2

After "in accordance with", insert "Section 5".

Delete "subsection".

After "(3) of this", insert "administrative regulation".

Delete "section".

Page 7

Section 5(3)(a)

Line 7

Capitalize the first letter of "application", "certification", "animal", "control" and "agency".

Page 7

Section 5(3)(b)

Line 8

After "approval of a", capitalize the first letter of "reinstatement" and "application".

After "for", immediately following delete "a certification as an".

Capitalize the first letter of "animal" and "control".

Line 9

Insert "Agencies".

Delete "agency".

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

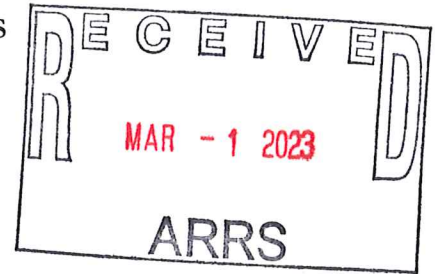
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March 1, 2023



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

RE: 201 KAR 16:550 - Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:552 - Responsibilities for certified animal control agencies; limitations on drugs; 201 KAR 16:560 - Certification as an animal euthanasia specialist; 201 KAR 16:562 - Duties and responsibilities of an animal euthanasia specialist; 201 KAR 16:572 - Certificate renewal for animal control agencies and animal euthanasia specialists; renewal notice; and 201 KAR 16:610 - Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Lewis,

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:550, 16:552, 16:560, 16:562, 16:572, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:550, 16:552, 16:560, 16:562, and 16:572.

Please note there were no proposed staff amendments to 201 KAR 16:610.

Sincerely,


Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners



Final, 2-27-2023

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS Board of Veterinary Examiners

201 KAR 16:552. Responsibilities for certified animal control agencies; limitations on drugs.

RELATES TO: KRS ~~321.181~~, 321.207, 321.235(7), 321.351

STATUTORY AUTHORITY: KRS 321.207(1), (2), 321.235(3), 321.240(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.207(1) permits the Kentucky Board of Veterinary Examiners to authorize an animal control agency to apply for a registration certificate by the United States Drug Enforcement Administration (DEA) to order, purchase, manage, and store controlled substances which are authorized by the board for use in animal sedation and euthanasia. KRS 321.207(2) requires the applicant agency to comply with administrative regulations that establish standards for the proper storage and handling of the drugs the board has authorized for use, and other provisions that may be necessary to ensure that the drugs are used safely and solely for the purpose of euthanizing animals. KRS 321.235(3) and 321.240(5) authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes the duties for the animal control agency designated on-site manager, standards for proper drug storage, and drugs that may be used by certified animal control agencies and the certified animal euthanasia specialists they employ.

Section 1. Responsibilities of a Certified Animal Control Agency.

- (1) A certified animal control agency and staff shall comply with all requirements of KRS Chapter 321 and **201 KAR Chapter 16**~~[the administrative regulations promulgated by the board under this chapter]~~.
- (2) A certified animal control agency shall identify an agency designated on-site ~~manager~~~~[manger]~~ and ensure the person complies with the requirements in Section 2 of this administrative regulation.
- (3) Any change to the designated on-site manager shall be reported in writing to the board within ten (10) business days by submitting a completed Request for a New Designated On-site Manager form or online equivalent form, including all required attachments.
- (4) A certified animal control agency shall ensure that the United States Drug Enforcement Administration (DEA) Controlled Substances Registration is kept in active status ~~if~~~~[as long as]~~ there are controlled substances in the possession of the agency.
- (5) A certified animal control agency shall submit to inspection by a board representative at any time, with or without advanced notice in accordance with 201 KAR 16:550, Section 5.

Section 2. Responsibilities of a Designated On-site Manager.

- (1) The designated on-site manager shall be responsible for reviewing educational materials provided by the board and submitting a responsive answer sheet for review by the board. A board inspector or representative shall periodically review educational materials with the designated on-site manager.
- (2) The designated on-site manager shall:
 - (a) Ensure proper controls are in place in accordance with all state and federal laws for all controlled substances and other drugs at the animal control agency;
 - (b) Ensure drugs for euthanasia and drugs used for sedation prior to euthanasia shall be limited to the substances identified in Section 3 of this administrative regulation;
 - (c) Ensure all employees authorized to conduct animal euthanasia at the certified animal control agency are trained and certified in accordance with the requirements of 201 KAR 16:560, unless the employee is a board-licensed veterinarian or board-licensed veterinary technician;
 - (d) Ensure all animal euthanasia specialists who conduct euthanasia at the certified animal control agency maintain an active certificate with the board;

- (e) Notify the board in writing within ten (10) business days following the termination of a certified animal euthanasia specialist so the certificate of the animal euthanasia specialist may be taken out of "~~active~~" status;
 - (f) Shall develop and maintain standard operating procedures in writing for carcass disposal in accordance with all state and local laws and ordinances; and
 - (g) Shall be responsive and cooperative to the board's request for access and information to the certified animal control agency.
- (3) The designated on-site manager shall ensure that the animal euthanasia process shall be conducted within the restrictions set forth in this subsection.
- (a) Euthanasia shall only be conducted upon animals owned by the certified animal control agency, except in cases of emergency as defined by KRS 321.181(10).
 - 1. Transfer of ownership or a temporary contract shall not be used for the purpose of circumventing this subsection; and
 - 2. Wildlife shall be redirected to a board-licensed veterinarian, Certified Wildlife Rehabilitator authorized to operate pursuant to 301 KAR 2:075, or to a Nuisance Wildlife Control Operator authorized to operate pursuant to 301 KAR 3:120.
 - (b) Euthanasia shall only be conducted upon the premises of the certified animal control agency, except in cases of emergency as defined by KRS 321.181(10); and
 - (c) All euthanized animals shall be disposed of in accordance with the certified animal control agency's standard operating procedures for carcass disposal.

Section 3. Approved Drugs for Animal Euthanasia and Anesthesia or Sedation of Animals Prior to Euthanasia.

- (1) A certified animal control agency shall be restricted to the purchase of specific drugs for the purpose of animal euthanasia. The drugs approved by the board for euthanasia are:
 - (a) Sodium pentobarbital; and
 - (b) Sodium pentobarbital with lidocaine.
- (2) A certified animal control agency shall be restricted to the purchase of specific drugs for the purpose of animal anesthesia or sedation prior to euthanasia. The drugs approved by the board for animal anesthesia or sedation prior to euthanasia are, or any combination thereof:
 - (a) Acepromazine;
 - (b) Dexmedetomidine;
 - (c) Ketamine (30-day supply or less); and
 - (d) Xylazine.
- (3) DEA's Schedule II order forms (titled "DEA-222") shall be used for each purchase or transfer of board approved controlled substances.
- (4) Expired drugs.
 - (a) Expired drugs shall not be used.
 - (b) Expired drugs shall be properly disposed of in accordance with Section 7 of this administrative regulation.

Section 4. Storage.

- (1) Board approved euthanasia and sedation drugs shall be stored in a securely locked cabinet within a locked storage room or other enclosure at the DEA address of record for the certified animal control agency. The cabinet shall be bolted securely to the floor or wall.
- (2) DEA Controlled Substance Schedule II order forms shall be stored in a securely locked cabinet, separate from the storage location of the drugs, within a locked storage room or other enclosure at the DEA address of record for the certified animal control agency.

Section 5. Disposal of Needles and Medical Waste.

- (1) All needles in an animal control agency shall:
 - (a) Not be accessible to the public;
 - (b) After use, be rendered incapable of use; and
 - (c) Be disposed of in an approved biohazard or sharps container.

(2) All syringes used in the process of euthanasia shall be disposed of in an approved biohazard or sharps container.

Section 6. Records.

(1) A certified animal control agency shall maintain records of purchases, administration of board approved euthanasia drugs and sedation drugs, transfer, and destruction of drugs for a minimum of two (2) years.

(2) Records of administration shall include, at a minimum, the following information:

- (a) The date of use;
- (b) Identification of the animal;
- (c) The amount of the drug used;
- (d) Any amount wasted;
- (e) The signature of the person administering the drug;
- (f) The signature of the designated on-site manager certifying the accuracy of the administration of board approved euthanasia drugs and sedation drugs not less than once per month; and
- (g) The signature of the designated on-site manager certifying to the accuracy of the records not less than once per month, as well as on the annual inventory.

(3) Records of purchase and destruction of board approved euthanasia drugs and sedation drugs shall be maintained in a separate file from the records of administration of those substances.

(4) The records of purchase, destruction, and administration may be audited by representatives of the DEA or authorized designees of the board to determine adequacy, accuracy, and validity of the recordkeeping. The board may impose restrictions and administrative penalties on certificate holders or designated on-site managers as a result of substandard controls or records of the drugs.

(5) The records of purchase, administration, transfer, and destruction of euthanasia and sedation drugs, shall be maintained at the DEA address of record for the animal control agency.

Section 7. Destruction or Disposal of Drugs. Drugs at an animal control agency that require disposal shall be disposed of in accordance with one (1) of the methods set forth in this section. A written receipt with appropriate signatures shall be obtained for the methods in subsections (1) through (3) of this section, and a record of the action taken shall be made for the method in subsection (4) of this section. The record shall be maintained with the drug logs at the animal control agency.

- (1) Transfer non-expired, non-controlled drugs to a licensed veterinarian.
- (2) Transfer non-expired, controlled drugs to a DEA registered, board-licensed veterinarian using DEA Form 222. Copies of the DEA Form 222 shall be distributed per federal law.
- (3) Surrender expired or non-expired drugs to local law enforcement for destruction.
- (4) Inject expired or non-expired drugs into and incinerate an animal carcass in accordance with state and local rules on incineration. Written documentation shall describe the amounts disposed of, type of carcass, date of injection and incineration, witnesses, and any other pertinent details.

Section 8. Disciplinary Action. An animal control agency, designated on-site manager, and credentialed animal euthanasia specialists shall be subject to disciplinary action pursuant to KRS 321.235 and **[KRS]** 321.351 for a violation of state or federal statutes or administrative regulations.

Section 9. Incorporation by Reference.

- (1) "Request for a New Designated On-site Manager", 12/2022, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at www.kybve.com.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort, Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

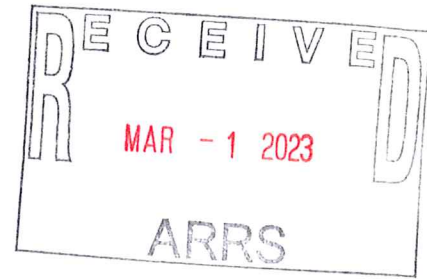
KENTUCKY BOARD OF VETERINARY EXAMINERS

107 Corporate Drive, Second Floor, Frankfort, KY 40601

Office: 502-782-0273 • Fax: 502-695-5887

kybve.com • vet@ky.gov

March 1, 2023



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

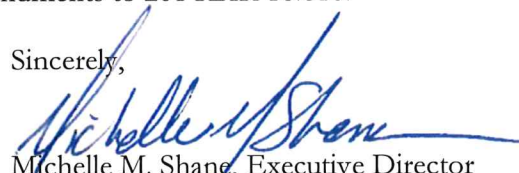
RE: 201 KAR 16:550 - Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:552 - Responsibilities for certified animal control agencies; limitations on drugs; 201 KAR 16:560 - Certification as an animal euthanasia specialist; 201 KAR 16:562 - Duties and responsibilities of an animal euthanasia specialist; 201 KAR 16:572 - Certificate renewal for animal control agencies and animal euthanasia specialists; renewal notice; and 201 KAR 16:610 - Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Lewis,

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:550, 16:552, 16:560, 16:562, 16:572, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:550, 16:552, 16:560, 16:562, and 16:572.

Please note there were no proposed staff amendments to 201 KAR 16:610.

Sincerely,


Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners



Final, 2-27-2023

Staff-Suggested Amendment

BOARDS AND COMMISSIONS
Board of Veterinary Examiners

201 KAR 16:560. Certification as an animal euthanasia specialist.

Page 1
RELATES TO
Line 5

After "321.351", insert "Chapter 335B".

Page 1
NECESSITY, FUNCTION, AND CONFORMITY
Line 12

After "specialist and", insert "reinstatement".
Delete "renewal".

Page 6
Section 9(1)(a)
Line 15

After "Specialist", insert "3/2023".
Delete "12/2022".

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 updated "Application for Certification as an Animal Euthanasia Specialist" form that:

- Updates the edition date to 3/2023
- Updates Page 2, Item #2, Table column headers "license" has been deleted and replaced with "certificate" for clarity



KENTUCKY BOARD OF VETERINARY EXAMINERS

107 Corporate Drive, Second Floor, Frankfort, KY 40601

Office: 502-782-0273 • Fax: 502-695-5887

kybve.com • vet@ky.gov

Application for Certification as an Animal Euthanasia Specialist

Instructions: This application shall be completed by the individual seeking to be certified as an animal euthanasia specialist in Kentucky pursuant to KRS Chapter 321. Completion of all fields on this application are mandatory. Insufficient answers or omissions will be sufficient grounds for rejection of this application. **Review the check list at the end of the application to ensure your submission is complete. Print SINGLE SIDED; DO NOT staple.**

OFFICIAL USE ONLY

I. Contact Information									
First Name		Middle Name			Last Name				
Gender		Date of Birth (required) Format: MM/DD/YYYY				Social Security Number (required)			
Other Names Used, if any		Date(s) of Use for Other Names				U.S. Citizen?			
						<input type="checkbox"/> Yes <input type="checkbox"/> No			
U.S. Military Service Indicate Branch:		<input type="checkbox"/> Yes <input type="checkbox"/> No			Military, indicate time frame served:		MM/YYYY – MM/YYYY		
Personal Email Address									
Business Email Address									
Cell Phone					Home Phone, if different				
Personal Address Type		Street			City		ST		Zip
Mailing Address									
Permanent Home Address, if different									
Name of Employing Registered Animal Control Agency									
Agency Address									
Manager Name					Business Phone				
Business Email Address									

Submit Complete Application to:
Kentucky Board of Veterinary Examiners
107 Corporate Dr, Second Floor
Frankfort, Kentucky 40601



Page 1 of 4

Form Last Updated: 03/2023

II. Background Information

1. Have you ever previously applied for certification as animal euthanasia specialist with the Kentucky Board of Veterinary Examiners (KBVE) or another agency/organization in Kentucky?

☐ Yes or ☐ No If yes, provide the month and year applied. If approved, provide the certificate number formerly issued to you. If denied, provide the reason for denial.

2. List all other jurisdictions in which you are certified / registered / licensed (collectively, "certified") to practice as an animal euthanasia specialist. If none, check here: ☐ N/A

Certificate Type	Jurisdiction / State	Certificate Number	Certificate Status (active, lapsed, revoked, etc.)	Discipline? (Y / N)	Date Issued	Expiration
Euthanasia Specialist						
Euthanasia Specialist						

NOTE: If you listed a jurisdiction(s), you must ensure a Certificate / Licensure Verification Letter (a.k.a., Letter of Good Standing) is sent from each jurisdiction's certifying board **directly** to the Kentucky Board of Veterinary Examiners (i.e., letter does not route through non-agency address).

3. Do you hold any other professional licenses in Kentucky or any other state or jurisdiction?

☐ Yes or ☐ No If yes, complete the table below.

License Type	Jurisdiction / State	License Number	Licensure Status	Discipline? (Y / N)	Date Issued	Expiration

4. Have you ever had a license or certificate denied, suspended, or revoked in any jurisdiction, or have you ever received a reprimand as a result of unethical, immoral, or illegal conduct by any licensure board or agency?

☐ Yes or ☐ No If yes, explain. Attach supporting documents if necessary.

5. Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation?

☐ Yes or ☐ No If yes, give details including dates, the court(s), reference to the court records, if any, and attach a copy of the disposition on the matter.

III. Education and Training Information

6. Complete the table below about your training as an animal euthanasia specialist. Attach a copy of your training certificate to this application.

Sponsoring Agency for 16-hour Euthanasia Course	Name of Trainer	Dates Completed (MM/DD-DD/YYYY)

7. Complete the table below about your education. Attach a copy of your diploma or certificate of completion showing the highest degree obtained.

School Type	School Name City, State	Dates of Attendance (MM/YYYY)		Graduation Date (MM/YYYY)	Degree Obtained
		To	From		
High School or G.E.D.					
Associates					
Undergraduate					
Other Specialty Training: _____					

IV. Experience

8. Detail your employment experience for the last two (2) years by completing the table below.

Company Name	City, State	Phone	Supervisor	Dates of Employment

V. Application Check List

- ☐ Official copy of transcripts, or copy of applicant's college or high school diploma or GED certificate.
- ☐ Official copy of applicant's animal euthanasia course completion certificate.
- ☐ **Background Check.** Complete and submit the official results of a background check to KBVE from a board approved provider. Visit www.kybve.com on the Applications and Forms page and look under the "Background Checks" heading for more information.
- Date Requested: _____
- ☐ **Disciplinary records.** If applicable, complete copies of any and all records of actions or circumstances listed in Section II, Questions 4 and 5. If no disciplinary records to disclose, check the box: ☐ N/A
- ☐ **Certification Verification letters from all jurisdiction, past and current,** if you have held or currently hold a certificate as an animal euthanasia specialist. Documentation must be sent directly from the certifying jurisdiction to the Kentucky Board of Veterinary Examiners' office. If no other certifications as an animal euthanasia specialist ever held anywhere, check the box: ☐ N/A
- ☐ **Application fee - \$50.** Payable to the **Kentucky State Treasurer**. Checks may be personal, business, cashier's check, or money order. Do not send cash.

I hereby state that the information contained herein is true and accurate to the best of my knowledge, and that should the Kentucky Board of Veterinary Examiners determine that any statement herein is false, I acknowledge the board may suspend, revoke, or terminate any certificate issued by the board.

Further, I understand I am required to abide by KRS Chapter 321 and 201 KAR Chapter 16. For direct links to the statutes and administrative regulations that shall govern my euthanasia activities, I am aware I can review the materials by visiting the KBVE website at www.kybve.com/practice-act.html.

Signature of Applicant

Date

Signature of Manager

Date

Printed Name of Manager

Email of Manager

Title of Manager

Phone of Manager

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

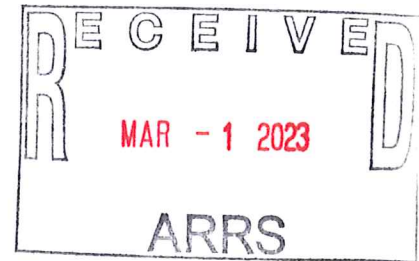
KENTUCKY BOARD OF VETERINARY EXAMINERS

107 Corporate Drive, Second Floor, Frankfort, KY 40601

Office: 502-782-0273 • Fax: 502-695-5887

kybve.com • vet@ky.gov

March 1, 2023



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

RE: 201 KAR 16:550 - Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:552 - Responsibilities for certified animal control agencies; limitations on drugs; 201 KAR 16:560 - Certification as an animal euthanasia specialist; 201 KAR 16:562 - Duties and responsibilities of an animal euthanasia specialist; 201 KAR 16:572 - Certificate renewal for animal control agencies and animal euthanasia specialists; renewal notice; and 201 KAR 16:610 - Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Lewis,

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:550, 16:552, 16:560, 16:562, 16:572, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:550, 16:552, 16:560, 16:562, and 16:572.

Please note there were no proposed staff amendments to 201 KAR 16:610.

Sincerely,


Michelle M. Shang, Executive Director
Kentucky Board of Veterinary Examiners



Final, 2-27-2023

SUGGESTED SUBSTITUTE

**BOARDS AND COMMISSIONS
Board of Veterinary Examiners**

201 KAR 16:562. Duties and responsibilities of an animal euthanasia specialist.

RELATES TO: KRS 257.160, **321.181**, 321.207, 321.235, 321.351

STATUTORY AUTHORITY: KRS 321.207, 321.235, 321.240

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.207(3) requires the Kentucky Board of Veterinary Examiners to issue a certificate to a person who meets the qualifications of an animal euthanasia specialist and is approved by the board for a certificate. KRS 321.235(3) and 321.240(5) authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes the duties and responsibilities of an animal euthanasia specialist.

Section 1. Duties of a Certified Animal Euthanasia Specialist. The duties of a board-certified animal euthanasia specialist shall include the following:

- (1) Preparing animals for euthanasia;
- (2) Carefully and accurately recording dosages, administration, and drug waste;
- (3) Ordering supplies and drugs in accordance with the employing certified animal control agency's operating procedures;
- (4) Maintaining the security of all controlled substances and board-approved drugs in accordance with 201 KAR 16:550, 16:552, and other applicable federal, state, and local laws;
- (5) Reporting to the board any infraction of KRS Chapter 321 or 201 KAR Chapter 16;
- (6) Humanely euthanizing animals;
- (7) Disposing of the carcasses in a manner consistent with local, state, and federal laws, including KRS 257.160, and shall be carried out according to the standard operating procedures of the board-certified animal control agency;
- (8) Maintaining active certification with the board;
- (9) Reporting to the board any change of address, phone, or email within thirty (30) days; and
- (10) Providing a written response to a grievance or inquiry from the board within twenty (20) days of receipt.

Section 2. Animals Approved for Euthanasia by Board-certified Animal Euthanasia Specialists. Animal euthanasia shall be conducted within the restrictions outlined in this section, or the practice shall be considered the practice of veterinary medicine and subject to a penalty for practicing without a license.

- (1) Euthanasia shall only be conducted upon animals owned by the certified animal control agency, except in cases of emergency as defined by[in] KRS 321.181(10).
 - (a) Temporary transfer of ownership or a temporary contract shall not be used for the purpose of circumventing this subsection[provision]; and
 - (b) Wildlife shall be redirected to a board-licensed veterinarian, Certified Wildlife Rehabilitator authorized to operate pursuant to 301 KAR 2:075, or to a Nuisance Wildlife Control Operator authorized to operate pursuant to 301 KAR 3:120.[:]
- (2) Euthanasia shall only be conducted upon the premises of the certified animal control agency, except in cases of emergency as defined by[in] KRS 321.181(10).
- (3) All euthanized animals shall be disposed of in accordance with the certified animal control agency's standard operating procedures for carcass disposal in accordance with Section 1(7) of this administrative regulation, and shall not be returned to a prior owner.

Section 3. Approved Drugs for Animal Euthanasia, and Anesthesia or Sedation of Animals Prior to Euthanasia by Certified Animal Euthanasia Specialists.

- (1) The drugs approved by the board for euthanasia are:

- (a) Sodium pentobarbital; and
- (b) Sodium pentobarbital with lidocaine.
- (2) The drugs approved by the board for animal anesthesia or sedation prior to euthanasia are, or any combination thereof:
 - (a) Acepromazine;
 - (b) Dexmedetomidine;
 - (c) Ketamine (thirty (30) day supply or less); and
 - (d) Xylazine.
- (3) Expired drugs shall not be used.
- (4) Expired drugs shall be disposed of in accordance with 201 KAR 16:552, Section 7.

Section 4. Approved Methods of Euthanasia.

- (1) A certified animal euthanasia specialist shall perform euthanasia by means of lethal injection on an animal by use of board-approved euthanasia drugs and drugs used to anesthetize or sedate an animal prior to euthanasia in accordance with subsection (2) of this section~~[of this administrative regulation]~~.
- (2) When using a lethal solution to perform euthanasia on an animal, a certified animal euthanasia specialist shall use the appropriate solution in accordance with the following methods and in the following order of preference, ensuring both humane euthanasia of the animal and the safety of the individuals handling the animal:
 - (a) Intravenous injection by hypodermic needle;
 - (b) Intracardial injection by hypodermic needle, but only on an anesthetized or unconscious animal;
 - (c) Intraperitoneal injection by hypodermic needle, but only on an anesthetized or unconscious animal;
 - or
 - (d) Solution or powder added to food.

Section 5. Except as provided for performing the duties set forth in this administrative regulation, an animal euthanasia specialist shall be prohibited from practicing veterinary medicine.

Section 6. Disciplinary Action. A certified animal euthanasia specialist shall be subject to disciplinary action pursuant to KRS 321.235 and 321.351 for a violation of state statutes or administrative regulations.

CONTACT PERSON: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort, Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

Andy Beshear
Governor



Steven J. Wills, DVM
Board Chairman

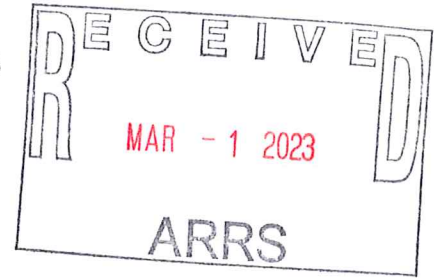
KENTUCKY BOARD OF VETERINARY EXAMINERS

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March 1, 2023



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

RE: 201 KAR 16:550 - Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA; 201 KAR 16:552 - Responsibilities for certified animal control agencies; limitations on drugs; 201 KAR 16:560 - Certification as an animal euthanasia specialist; 201 KAR 16:562 - Duties and responsibilities of an animal euthanasia specialist; 201 KAR 16:572 - Certificate renewal for animal control agencies and animal euthanasia specialists; renewal notice; and 201 KAR 16:610 - Procedures for grievances, investigations, and administrative charges.

Dear Co-Chairs West and Lewis,

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 16:550, 16:552, 16:560, 16:562, 16:572, and 16:610, the Kentucky Board of Veterinary Examiners proposes the attached amendments to 201 KAR 16:550, 16:552, 16:560, 16:562, and 16:572.

Please note there were no proposed staff amendments to 201 KAR 16:610.

Sincerely,


Michelle M. Shane, Executive Director
Kentucky Board of Veterinary Examiners



Final, 2-27-2023

Staff-Suggested Amendment

BOARDS AND COMMISSIONS
Board of Veterinary Examiners

201 KAR 16:572. Certificate renewal for animal control agencies and animal euthanasia specialists; renewal notice.

Page 1

STATUTORY AUTHORITY

Line 7

After "KRS 321.207", insert "(1), (3)".

After "321.235", insert "(3)".

After "321.240", insert "(5)".

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Line 8

After "KRS 321.207", insert "(1) and (3) require".

Delete "requires".

Line 12

After "KRS 321.235", insert "(3)".

After "321.240", insert "(5)".

Page 3

Section 3(1)(b)1.

Line 20

After "on-site", insert "manager's".

Delete "manger's".

Page 3

Section 3(1)(b)2.

Line 22

After "Request", insert "for".

Delete "to Designate".

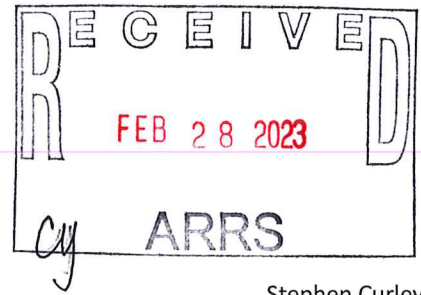
After "a New", insert "Designated".

Delete "Agency".



KENTUCKY BOARD OF PHYSICAL THERAPY

312 Whittington Pkwy, Suite 102
Louisville, KY 40222
Phone (502) 429-7140
Fax (502) 429-7142
<http://pt.ky.gov>



Andy Beshear
Governor

Stephen Curley
Executive Director

February 28, 2023

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

RE: 201 KAR 22:170. Physical Therapy Compact Commission

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 22:170, the Kentucky Board of Physical Therapy proposes the attached amendment to 201 KAR 22:170.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Curley".

Stephen Curley
Executive Director

Staff-suggested Amendment

**Final Version 2/24/2023
GENERAL GOVERNMENT
Board of Physical Therapy**

201 KAR 22:170. Physical Therapy Compact Commission.

Page 2

Section 2(2)

Lines 3 and 4

After "4:30 p.m.", delete ",".

After "or", delete the following:

(b) This material may be obtained



KENTUCKY BOARD OF SOCIAL WORK
125 Holmes Street, Suite 310
Frankfort, Kentucky 40601
(502) 564-2350



Andy Beshear
Governor

Marc Kelly
Executive Director

March 1, 2023

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission 083
Capital Annex
Frankfort, KY 40601

Re: 201 KAR 23:051 Renewal, Expiration, Termination, and Reinstatement of License

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 023:051, the Kentucky Board of Social Work proposes the attached amendment to 201 KAR 023:051.

Sincerely,

A handwritten signature in blue ink that reads "Marc Kelly".

Marc Kelly
Executive Director

VJ
Enc.



Final, 2-24-2023

SUGGESTED SUBSTITUTE
Amended After Comments Version

BOARDS AND COMMISSIONS
Board of Social Work

201 KAR 23:051. Renewal, Expiration, Termination, and Reinstatement of license.

RELATES TO: KRS ~~[39A.180, 39A.190,]~~335.010-335.160, 335.990

STATUTORY AUTHORITY: KRS ~~[39A.180,]~~335.070(1), (3), (6), (7)~~[(1), (3), (6), (7), 335.190,]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.070(1) requires the board to administer and enforce the provisions of KRS 335.010 to 335.160 and 335.990, and to evaluate and approve the qualifications of applicants for licensure. KRS 335.070(3) [39A.180 and 39A.190 allow agencies]authorizes the board to promulgate administrative regulations to carry out the provisions of KRS 335.010 to 335.160 and 335.990, including[necessary for disaster and emergency response purposes during a state of emergency. KRS 335.070(4) requires the board to evaluate and approve the qualifications of the applicants for licensure. KRS 335.070(3) authorizes the board to promulgate administrative regulations. KRS 335.070(6) authorizes the board to renew licenses and set requirements for continued education.]establishing requirements for license renewal. KRS 335.070(6) authorizes the board to renew licenses. KRS 335.130 authorizes fees. This administrative regulation establishes the requirements for [renewals, reinstatements, and terminations of licenses to engage in the practice of social work.]license renewal, expiration, termination, and reinstatement of a license to engage in the practice of social work.

Section 1. Definitions~~[Definition]~~.

(1) "Expiration" means the license has not been renewed.

(2) "Grace period" means the time allowed to renew after the expiration date of the license.~~;~~

(3) "Licensee" means a person licensed under KRS 335.010 through 335.160~~[, 160]~~ as:

(a)~~[(1)]~~ A certified social worker;

(b)~~[(2)]~~ A licensed social worker; or

(c)~~[(3)]~~ A licensed clinical social worker.

(4) "Reinstatement" means the reinstatement of a license due to an action of the board.

(5) "Renewal" means renewing by the expiration date of the license.

(6) "Termination" means the expiration of the license because of disciplinary action in accordance with 201 KAR 23:150.

Section 2. Renewal.

(1)(a) Pursuant to KRS 335.130(1), a licensee shall renew the licensee's license on a three (3) year basis to continue practicing~~[in order to continue to practice]~~ social work in Kentucky.

(b) The three (3) year renewal cycle shall be calculated based on the date of the issuance of the initial license.

(2) An Application for~~[A]~~ Renewal ~~[Form]~~ shall be submitted with the appropriate fee and continuing education requirements as established in 201 KAR 23:020 and 201 KAR 23:075.

(3) A licensee shall ~~[file the licensee's current mailing address]~~update the licensee's~~[their]~~ contact information with the board within ten (10) days of the changes~~[such change(s)]~~ by:

(a) The United States Postal Service~~[USPS];~~

(b) Email;
(c) ~~by~~ Hand; or
(d) ~~via~~ The self-service portal via the board's ~~board~~ Web site at bsw.ky.gov. ~~;~~ and
shall immediately notify the board in writing if the address changes.]

(4) Each licensee shall ~~All licensees are required to~~ maintain current contact information with the board, which includes, name, physical address, phone number (business or personal), and email address (business or personal).

Section 3. **Grace Period.** If a licensee reapplies after the date of expiration and before the three (3) months, ~~month~~ the licensee shall:

(1) Cease and desist the practice of social work immediately; ~~Pay a penalty of 100 dollars;~~

(2) ~~Cease and desist the practice of social work immediately;~~

(3) Submit *an Application for* ~~a~~ Renewal ~~form~~ along with documentation of completed continuing education requirements *pursuant to* ~~per~~ 201 KAR 23:075, Section 2; ~~and~~

(3) Pay a penalty of \$100 ~~dollars~~;

(4) ~~a~~ Submit official documentation of employment beginning with the date of expiration of the license; and

(b) Submit the job description with an affirmation that the practice of social work had not taken place during or after the end date of the license and ceased when discovered during the grace period of the renewal of the license;

(5) ~~If~~ *When* reimbursement for services occurred during the grace period, the licensee shall reconcile the matter with the licensee's ~~their~~ employer or each specific payer; and

(6) Upon payment of the license renewal fee and the late renewal penalty, the date of the license will be retroactive to the date of expiration.

Section 4. **Expiration and Termination.**

(1) If a licensee has not renewed the licensee's license at the end of three (3) months, the licensee ~~licensee~~ shall be considered expired, and the licensee shall submit a new application in accordance with existing requirements for initial applicants under KRS Chapter 335 and 201 KAR Chapter 23.

(2) ~~a~~ Section 3(5) of this administrative regulation ~~(e)~~ is applicable to this section; and

(b) ~~(3)~~ If a licensee is subject to disciplinary action and the result of that action is revocation of the license or an agreement to surrender the license as if revoked, the licensee's license shall ~~will~~ be terminated effective the date of the ~~such~~ action.

Section 5. **Reinstatement.**

(1) The board may reinstate a license from disciplinary action in accordance with 201 KAR 23:150. ~~Upon payment of the renewal fee and the late renewal penalty, the date of the license shall be retroactive to the date of expiration.~~

(2) The board's reinstatement shall be ~~is~~ based on:

(a) The request by the former licensee;

(b) The length of time the license was inactive; and

(c) Any extenuating circumstance creating the need for reinstatement that shall ~~can~~ be made in writing to the board by the licensee, but shall not ~~cannot~~ be related to disciplinary action or renewal of the license.

(3) ~~;~~ ~~(d)~~ The board may require an application fee in accordance with existing requirements for initial applicants under KRS Chapter 335 and 201 KAR Chapter 23 at the time of reinstatement.

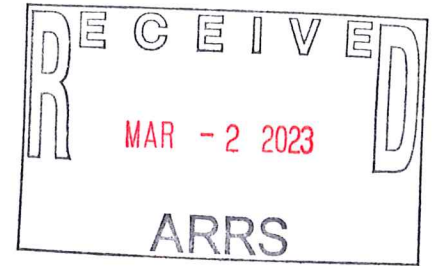
(4) ~~;~~ and (3) The board shall set the date of reinstatement for license renewal.

Section 6. Incorporation by Reference.

(1) "Application For Renewal", 01/2023~~05/2022~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Social Work, 125 Holmes St Suite 310, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at bsw.ky.gov.

CONTACT PERSON: Marc Kelly, Executive Director, Kentucky Board of Social Work, 125 Holmes Street, suite 310, Frankfort, Kentucky 40601, phone (502) 564-2350 or (502) 782-2856, or email marc.kelly@ky.gov.



March 1, 2023

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

Re: **202 KAR 7:201, 301, and 330**

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 202 KAR 7:201, 301, and 330, the Kentucky Board of Emergency Medical Services proposes the attached amendments to 202 KAR 7:201, 301, and 330.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Holder".

John R. Holder, Chair
Kentucky Board of Emergency Medical Services
500 Mero Street, 5th Floor 5SE32
Frankfort, KY 40601



Kentucky Board of Emergency Medical Services

500 Mero Street, 5th Floor 5SE32

Frankfort, KY 40601

Phone (859) 256-3565 | Toll-Free 1 (866)-97KBEMS | Fax (859) 256-3128
kyems.com

KCTCS is an equal educational and employment opportunity institution.

Final, 3-1-2023

Staff-Suggested Amendment

BOARD OF EMERGENCY MEDICAL SERVICES

202 KAR 7:201. Emergency medical responders.

Page 1

RELATES TO

Line 4

After "KRS", insert "12.355.".

After "311A.030,", insert "311A.050-311A.090".

Delete "311A.060".

After "311A.095,", insert "311A.100, 311A.120.".

Line 5

After "311A.160", insert ", 10 U.S.C. 121, 12304".

Page 1

Section 1

Line 11

After "Eligibility.", insert "An individual".

Delete "Individuals".

Page 2

Section 2(1)

Line 10

After "Medical Services", insert "Education".

Delete "Educational".

After "Standards-", delete "Instructional Guidelines for the".

Line 11

After "Medical Responder", insert "Instructional Guidelines".

Page 2

Section 2(4)

Line 15

After "completed", delete "application for".

After "EMR Initial", insert "Certification Application".

Page 6

Section 5(1)(a)

Line 9

After "EMR Reciprocity", insert "Certification".

Page 8

Section 6(1)

Line 6

After "Practice.", delete "(1)".

Page 8

Section 8(1)(a)

Line 17

After "a completed", insert "Voluntary".

Delete "Application for EMR".

After "Surrender of", insert "EMR".

After "Certification", insert "Application".

Page 9

Section 9(1)(a)1.

Line 2

After "Name Change", capitalize the first letter of "application".

Page 10

Section 12(1)(i)

Line 20

After the opening quotation marks, insert "Voluntary".

Delete "EMR Certification".

After "Surrender", insert "of EMR Certification".

Pages 10-11

Section 12(1)(k) and Section 12(1)(l)

Line 23 and Lines 1-2

After "(k)", delete the following:

"National Registry of Emergency Medical Technicians Emergency Medical Responder Psychomotor Examination Users Guide", September 2016;

(l)

Page 11

Section 12(1)(l) and Section 12(1)(m)

Lines 2-3

After "2019," insert "(l)".

Delete "(m)".

Page 11

Section 12(1)(m) and Section 12(1)(n)

Lines 3-4

After "2019; and", insert "(m)".

Delete "(n)".



March 1, 2023

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

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500 Mero Street, 5th Floor 5SE32
Frankfort, KY 40601



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Final, 3-1-2023

Staff-Suggested Amendment

BOARD OF EMERGENCY MEDICAL SERVICES

202 KAR 7:301. Emergency medical technician.

Page 1

RELATES TO

Line 4

After "KRS", insert "12.355".

After "311A.025," insert "311A.050-311A.090".

Delete "311A.060".

After "311A.095," insert "311A.100, 311A.120".

Line 5

After "311A.165", insert ",10 U.S.C. 121, 12304".

Page 1

Section 1

Line 11

After "Eligibility.", insert "An individual".

Delete "Individuals".

Page 2

Section 2(1)

Line 10

After "Medical Services", insert "Education".

Delete "Educational".

Lines 10-11

After "Standards-", delete "Instructional Guidelines for the".

Line 11

After "Medical Technician", insert "Instructional Guidelines".

Page 3

Section 2(7)(c)

Line 6

After "Services", insert "(U.S.C.I.S)".

Delete "(USCIS)".

Page 5

Section 4(1)(c)

Line 6

After "(c)", insert "Proof of".

Lowercase the first letter of current.

Page 8

Section 6(1)

Line 10

After "Practice.", delete "(1)".

Page 11

Section 10(1)(a)1.

Line 1

After "Name Change", capitalize the first letter of "application".

Pages 12-13

Section 13(1)(l) and Section 13(1)(m)

Line 23 and Lines 1-2

After "(l)", delete the following:

"National Registry of Emergency Medical Technicians Emergency Medical Technician Psychomotor Examination Users Guide", September 2016;
(m)

Page 13

Section 13(1)(m) and Section 13(1)(n)

Lines 2-3

After "2019;", insert "(m)".

Delete "(n)".

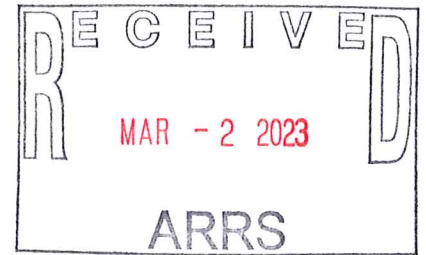
Page 13

Section 13(1)(n) and Section 13(1)(o)

Lines 3-4

After "2019; and", insert "(n)".

Delete "(o)".



March 1, 2023

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

Re: **202 KAR 7:201, 301, and 330**

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Final, 3-1-2023

Staff-Suggested Amendment

BOARD OF EMERGENCY MEDICAL SERVICES

202 KAR 7:330. Advanced emergency medical technician.

Page 1

RELATES TO

Line 4

After "KRS", insert "12.355, 38.030".
After "Chapter 39," delete "38.030,".

Line 5

After "311A.050", insert "-".
Delete the comma immediately following.
After "311A.100," insert "311A.120,".

Line 6

After "U.S.C. 121," insert "12304".
Delete "672(b)".

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Lines 8-9

After "requires the", insert "board".
Delete the following:
Kentucky Board of Emergency Medical Services

Page 1

Section 1

Line 13

After "Eligibility.", insert "An individual".
Delete "Individuals".

Page 2

Section 2(1)(a)

Line 12

After "Medical Services", insert "Education".
Delete "Educational".

Lines 12-13

After "Standards-", delete "Instructional Guidelines for the".

Line 13

After "Medical Technician", insert "Instructional Guidelines".

Page 5

Section 4(1)(b)2.

Line 16

After "2.", insert "Proof of".
Lowercase the first letter of "current".

Page 7

Section 5(1)(c)

Line 6

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

Delete "Completion".

Page 11

Section 10(1)(a)1.

Lines 11-12

After "Name Change", capitalize the first letter of "application".

Page 11

Section 10(1)(a)2.

Line 13

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

Page 13

Section 13(1)(l) and Section 13(1)(m)

Lines 17-19

After "(l)", delete the following:

"National Registry of Emergency Medical Technicians Advanced Emergency
Medical Technician Psychomotor Examination Users Guide", September 2016;

(m)

Page 13

Section 13(1)(m) and Section 13(1)(n)

Lines 19-20

After "2019;", insert "(m)".

Delete "(n)".

Page 13

Section 13(1)(n) and Section 13(1)(o)

Lines 20-21

After "2019; and", insert "(n)".

Delete "(o)".



KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

Rich Storm
Commissioner

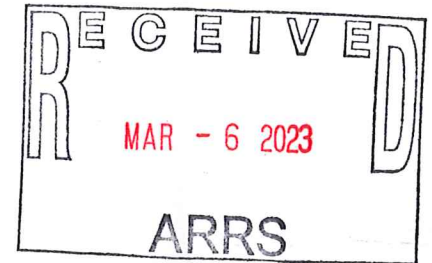
#1 Sportsman's Lane
Frankfort, Kentucky 40601
Phone (502) 564-3400
Fax (502) 564-0506

Brian Clark
Deputy Commissioner

Gabe Jenkins
Deputy Commissioner

March 6, 2023

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



Re: **301 KAR 2:245**, Wanton waste and disposal of big game and upland game birds., 301 KAR 3:120. Commercial nuisance wildlife control.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 2:245, and 301 KAR 3:120, Kentucky Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 2:245, 301 KAR 3:120.

Sincerely,

A handwritten signature in black ink, appearing to read "Jenny Gilbert".

Jenny Gilbert
Legislative Liaison
Commissioner's Office
Kentucky Department of Fish and Wildlife Resources
1 Sportsmen's Lane
Frankfort, KY 40601

Subcommittee Substitute

TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources (As Amended at ARRS)

301 KAR 2:245. Wanton waste and disposal of big game and upland game birds.

RELATES TO: KRS 150.015, 150.025, 150.092, 150.170, 150.390, 150.722

STATUTORY AUTHORITY: KRS 150.015, 150.025(1), 150.390(1), 512.070(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate any administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.390(1) prohibits the taking of any wild elk, deer, wild turkey, or bear contrary to any provisions of KRS Chapter 150 or KAR Title 301. KRS 512.070, Criminal Littering, protects against knowingly placing or throwing litter on any public or private property or in any public or private water without permission. This administrative regulation protects against intentional and wanton waste or unlawful disposal of big game animals and upland game birds.

Section 1. Definitions.

(1) "Big game" means wild individuals of the species:

- (a) Deer, *Odocoileus virginianus*;
- (b) Elk, *Cervus canadensis nelsoni*; and
- (c) Bear, *Ursus americanus*.

(2) "Carcass or offal" means the skeleton, skin, entrails, and other parts of big game or upland game birds remaining after the edible portions have been removed.

(3) "Edible parts" are those portions suitable for processing and consumption after take and recovery of the animal, which have not been spoiled due to the method of take, including:

- (a) For big game, the quarters and outer loins; and
- (b) For an upland game bird, the breast meat.

(4) "Processing" means the act of removing the usable portions of meat from a taken and recovered animal and storing or preparing the meat for consumption.

(5) "Recover" means to locate and retrieve an animal a person has taken.

(6) "Upland game birds" means wild individuals of the [these] species:

- (a) Wild turkey, *Meleagris gallopavo silvestris*;
- (b) Northern bobwhite, *Colinus virginianus*; and
- (c) Ruffed grouse, *Bonasa umbellus*.

Section 2. Recovery of Big Game or [and an] Upland Game Birds [Bird]. A person who has attempted to take big game or an upland game bird shall make a reasonable effort to recover the animal.

Section 3. Harvest of Big Game or Upland Game Birds.

(1) Upon recovery of big game or an upland game bird, the hunter taking the animal shall:

(a) Comply with the **[established]** requirements **[as]** established in 301 KAR Chapter 2 for tagging and checking; and

(b) Remove edible parts from the field and make a reasonable effort to transport them to the hunter's residence or other destination for storage or processing, or lawfully transfer them to another individual, establishment, or organization.

(2) It shall be unlawful to remove inedible portions of big game or an upland game bird while leaving edible portions in the field to waste.

(3) The provisions of this section shall not apply to big game or an upland game bird that is:

(a) Recovered and the hunter taking the animal has reasonable grounds to believe the animal was diseased or rendered partially or completely unusable by infection or injury; or

(b) Cannot be recovered before the carcass has begun to decay rendering it unsuitable for consumption.

Section 4. Authorization to Take for Other Purposes. A person shall be exempt from **the** requirements in this administrative regulation for big game or an upland game bird taken:

(1) For damage to private lands or personal property by the landowner or a person otherwise authorized under the provisions of KRS 150.170(7);

(2) Due to vehicle collision; or

(3) For humanely dispatching an animal or in defense of self or others under the provisions of KRS 150.172(2)(a) or 525.130(2).

Section 5. Carcass Disposal.

(1) It shall be unlawful to dispose of a carcass or offal of big game or an upland game bird on any private or public property or public waterway, except:

(a) A hunter may dispose of a carcass or offal from big game or an upland game bird on the public property where the animal was taken, but the carcass or parts shall be deposited at least 300 feet from a building, maintained road, parking area, public access facility or gate, or established hunting blind, unless otherwise prohibited and **if [as long as]** the big game or upland bird is not removed from the public property and then returned thereto;

(b) A hunter may dispose of a carcass or offal from legally acquired big game or upland bird on private property where the hunter received permission from the landowner; or

(c) A hunter may dispose of a big game carcass or offal by burying the carcass and parts, deposition in a contained landfill, or removal by a duly licensed rendering establishment as described in KRS 150.722.

(2) A person disposing of big game or an upland game bird carcass or offal in an unlawful manner may be cited with criminal littering pursuant to KRS 512.070.

CONTACT PERSON: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.



DEPARTMENT OF FISH & WILDLIFE RESOURCES

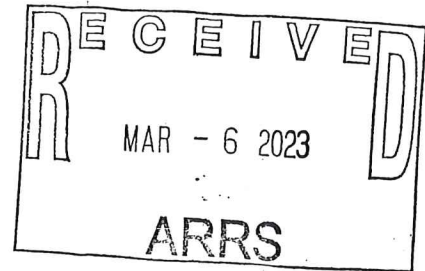
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Brian Clark
Deputy Commissioner

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Deputy Commissioner

March 6, 2023

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



Re: 301 KAR 2:245. Wanton waste and disposal of big game and upland game birds., 301
KAR 3:120. Commercial nuisance wildlife control.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 2:245, and 301 KAR 3:120, Kentucky Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 2:245, 301 KAR 3:120.

Sincerely,

A handwritten signature in black ink, appearing to read "Jenny Gilbert".

Jenny Gilbert
Legislative Liaison
Commissioner's Office
Kentucky Department of Fish and Wildlife Resources
1 Sportsmen's Lane
Frankfort, KY 40601

Subcommittee Substitute

TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources (As Amended at ARRS)

301 KAR 3:120. Commercial nuisance wildlife control.

RELATES TO: KRS 150.183, 150.275, 150.330, 150.410, ~~[150.330,]~~ 50 C.F.R. 21.41

STATUTORY AUTHORITY: KRS 150.025(1)(h), 150.105, 150.170, 150.235, 150.275, ~~[150.235,]~~ 150.365~~[, 150.170]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(h) authorizes the department to promulgate any other administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.105 authorizes the commissioner, with the approval of the commission, to authorize any person to destroy or bring under control any wild animal, fish, or wild birds, protected or unprotected, which are causing damage to persons, property, other animals, or spreading diseases. KRS 150.275 authorizes the department to issue permits to qualified persons to take and transport wildlife at any time for commercial nuisance wildlife control. This administrative regulation establishes the requirements for commercial nuisance wildlife control permits, and nuisance wildlife control operators. KRS 150.235 prohibits persons from performing acts authorized to be performed by a permit without first procuring the permit and the permit or license shall be kept on their person while conducting acts. KRS 150.170 prevents persons from doing any act or assisting a person with an act authorized by any kind of license or permit unless they hold the kind of permit that authorizes the act. 50 C.F.R. 21.41 provides federal permitting requirements for depredating migratory birds and allows a NWCO to herd or scare depredating migratory birds without a federal permit, except that federally endangered or threatened species and bald or golden eagles shall not be scared or herded.

Section 1. Definitions.

(1) "Commercial purposes" means taking nuisance wildlife in exchange for payment, ~~[or] trade,~~ or associated with job duties as part of employment.

(2) "Enhanced Rabies Surveillance Zone~~[area]~~" means Bell, Boyd, Bracken, Carter, Clay, Elliot, Fleming, Floyd, Greenup, Harlan, Johnson, Knott, Knox, Laurel, Lawrence, Leslie, Letcher, Lewis, Martin, Mason, McCreary, Pike, Perry, Robertson, and Whitley counties.

(3) "Federally-protected wildlife" means any wildlife species listed by the U.S. Fish and Wildlife Service as threatened or endangered, and any birds protected under the Migratory Bird Treaty Act ~~or [and]~~ the Bald and Golden Eagle Protection Act.

(4) "Nuisance wildlife" means vertebrate wildlife that causes or may cause damage or threat to agriculture, human health, ~~[or] safety, or property~~~~[, or natural resources]~~.

(5) "Nuisance wildlife control operator" means the holder of a valid permit, issued by the department, which authorizes the taking of nuisance wildlife for commercial purposes.

(6) "NWCO" means a nuisance wildlife control operator as defined in this administrative regulation.

(7) "Permit" means the nuisance wildlife control operator's permit issued pursuant to this administrative regulation.

(8) "Rabies vector species" means a:

- (a) Coyote (*Canis latrans*);
- (b) Gray fox (*Urocyon cinereoargenteus*);
- (c) Raccoon (*Procyon lotor*);
- (d) Red fox (*Vulpes vulpes*);
- (e) Spotted skunk (*Spilogale putorius*); or
- (f) Striped skunk (*Mephitis mephitis*).

(9) "Rural habitat" means an area of the state not included within the boundaries of an incorporated or unincorporated city, village or borough, and having a population in excess of 1,500 inhabitants.

Section 2. Permitting Requirements~~[NWCO Permit]~~.

(1) A permit authorizes a NWCO to take nuisance wildlife year-round using lethal or non-lethal capture methods, provided the NWCO has written or oral authorization from the person requesting control.

(2)[(1)] A person shall apply for and obtain a valid NWCO permit, prior to conducting NWCO activities, by submitting:~~[on a form provided by the department.]~~

- (a) A correct and complete Commercial NWCO Permit Application; and
- (b) A Commercial NWCO Annual Activity Report for renewal applications.

(3)[(2)] The department shall only~~[not]~~ grant a permit to a person who:

- (a) ~~Is~~[Less than] eighteen (18) years old or over;
- (b) ~~[Who]~~Has not been convicted of a violation of KRS Chapter 150 or the administrative regulations promulgated under its authority within the denial period established in this administrative regulation~~;~~[one (1) year of the date of application; or]

(c) Provides proof of a passing score on the National Wildlife Control Training Program course, except a person who passed the department issued examination prior to the effective date of this administrative regulation **shall [are]** not **be** required to complete the National Wildlife Control Training Program course~~;~~[Who fails to achieve a score of seventy (70) percent or better on an examination administered by the department.]

(d) Remits the correct annual permit fee as established in 301 KAR 3:022;

(e) Provides a complete and correct Commercial NWCO Permit Application; and

(f) Provides a valid email address.

~~[(3) Nothing in this subsection shall prohibit persons under eighteen (18) years old from assisting a NWCO.~~

~~(4) A person may appeal the denial of a permit for a violation of KRS Chapter 150 or the administrative regulations adopted under its authority by following the procedures established in Section 7 of this administrative regulation.]~~

(4)[(5)] A NWCO shall always have their[his] permit in their[his] possession ~~[at all times]~~when performing the acts authorized by a NWCO permit~~[taking or transporting wildlife]~~.

(5)[(6)] The NWCO permit shall be valid from March 1 through the last day of February.

(6) A permitted NWCO wishing to sell the pelts of a furbearer[s] taken during the statewide furbearer hunting and trapping season shall also possess a valid trapping license or hunting license, if applicable.

Section 3. Reporting Requirements.

(1) A NWCO shall keep records of all wildlife taken in the course of NWCO duties on the NWCO Annual Activity Report.

(2)[(4)] A NWCO shall submit a NWCO Annual Activity Report to the Department:

(a) No later than March 30; and

(b) Prior to a permit being renewed.~~[file an annual activity report with the department between March 1 and March 30 of each year.~~

(2) ~~The annual activity report shall be filed:~~

(a) ~~On a form:~~

1. ~~Provided by the department; or~~

2. ~~Photocopied from the department form.]~~

(3)[(b)] The Commercial NWCO Annual Activity Report~~[form]~~ shall contain the information regarding the activity for the period from February~~[March]~~ 1 of the previous year through January 31~~[the last day of February]~~ of the current year.

(4)[(3)] The department shall not renew the permit of an operator who does not:

(a) Submit the Commercial NWCO Annual Activity Report~~[annual activity report]~~ as required by this section; or

(b) ~~[Does not]~~ Provide the information required by the Commercial NWCO Annual Activity Report~~[annual activity report form]~~.

~~(5)[(6)]~~[(4)] Report documents and all records of NWCO activity, including the current or previous year's activity and written permission for releases, shall be made available to department staff upon request.

Section 4. Restrictions on Taking Wildlife.

(1) A NWCO shall only dispatch or release captured wildlife according to the requirements in this administrative regulation, except for federally protected species that meet the criteria in Sections 4, 6, and 7 of this administrative regulation.

(2)[(1)] A NWCO shall not:

(a) Transport nuisance wildlife to a wildlife rehabilitator or any person or facility that holds wildlife captive, except that a NWCO shall immediately transport injured, ill, orphaned, or exhausted federally protected species to a permitted wildlife rehabilitator within Kentucky;

(b) Release wildlife in any area that restricts their free movement or holds them captive;

(c) Hold wildlife for more than forty-eight (48) hours;

(d)[(a)] Take federally protected wildlife unless ~~[the NWCO has]~~ a valid permit for the activity is issued by the U. S. Fish and Wildlife Service for the species of nuisance wildlife, except that a federal permit is not required to herd or scare migratory birds, excluding bald and golden eagles and endangered or threatened species;

(e)[(b)] Take the species established in subparagraphs 1. through 8. of this paragraph~~[5-]~~ unless authorized by the commissioner:

1. Copperbelly water snake (*Nerodia erythrogaster neglecta*);

2. White-tailed deer (*Odocoileus virginianus*);
3. Elk (*Cervus canadensis*);
4. Black bear (*Ursus americanus*);~~[-or]~~
5. Wild turkey (*Meleagris gallopavo*);~~[-or]~~
6. Kirtland's snake (*Clonophis kirtlandii*);
7. Alligator Snapping turtle (*Macrochelys temminckii*);
8. Hellbender (*Cryptobranchus alleganiensis*); or

~~(f) [(e)] Dispatch or cause death to bats [Use lethal capture methods to take bats].~~

~~[(2) A NWCO may take other nuisance wildlife year-round using lethal or nonlethal capture methods, provided the NWCO has written or oral authorization from the person requesting control.]~~

Section 5. Legal Means of Take.~~[Methods of taking nuisance wildlife.]~~

(1) A NWCO using traps shall comply with:

- (a) KRS 150.410; and
- (b) The trapping requirements in 301 KAR 2:251.

(2) A NWCO using a gun shall provide proof of completion of the Kentucky Hunter Education Program or a course offered by another jurisdiction that meets the course standards set by the International Hunter Education Association.

Section 6. Dispatch~~[Disposal]~~ of Captured Wildlife~~[animals]~~.

~~[(1) A NWCO may euthanize or release captured wildlife, except that a NWCO shall:~~

~~(a) Euthanize any rabies vector species captured within the enhanced rabies surveillance area before being moved; and~~

~~(b) Shall not transport a rabies vector species into or out of the enhanced rabies surveillance area.~~

~~(2) Acceptable methods of euthanizing wildlife shall include:~~

- ~~(a) Captive bolt;~~
- ~~(b) Gunshot;~~
- ~~(c) Drowning, for wildlife trapped in water sets, pursuant to 301 KAR 2:251;~~
- ~~(d) Cervical dislocation or thoracic compression for small mammals and birds;~~
- ~~(e) Mechanical stunning, if followed immediately by an acceptable euthanasia method;~~
- ~~(f) Inhalants, including halothane, isoflurane, carbon monoxide, or carbon dioxide;~~
- ~~(g) Noninhalants including Secobarbital/dibucaine; or~~
- ~~(h) Commercially available agents for striped skunks, in accordance with manufacturer's specifications.]~~

~~[(1) [(3)] The department may, upon issuing a permit, specify that certain species shall be dispatched [euthanized].~~

~~(a) The requirement that a species be dispatched may apply statewide or to certain geographical regions.~~

~~(b) If the requirement that a species be dispatched is made to apply:~~

1. Statewide, all permits issued in that permit year shall contain the same requirement; or
2. To a limited geographical area, all permits issued in that area shall contain the same requirement.

(2) A NWCO shall dispatch:

(a) House sparrow (*Passer domesticus*);

(b) European starling (*Sturnus vulgaris*);

(c) Pigeon (*Columba domestica* or *Columba livia*);

(d) Nutria (*Myocaster coypus*);

(e) House mouse (*Mus musculus*);

(f) Rat (*Rattus norvegicus* or *Rattus rattus*);

(g) Wildlife that shows obvious symptoms of disease or injury, except for federally protected species and bats; or [-]

(h) Any rabies vector species captured within the Enhanced Rabies Surveillance Zone at the capture site before being moved.

(3)[(2)] Legal[Acceptable] methods of dispatching[~~euthanizing~~] wildlife shall include:

(a) Captive bolt;

(b) Gunshot;

(c) Submersion[~~Drowning~~], for wildlife trapped in water sets, pursuant to 301 KAR 2:251;

(d) Cervical dislocation or thoracic compression for small mammals and birds, except for federally protected species and bats;

(e) Mechanical stunning, if followed immediately by an acceptable ~~dispatch~~[~~euthanasia~~] method;

(f) Inhalants, including halothane, isoflurane, carbon monoxide, or carbon dioxide;

~~[(g) Noninhalants including Secobarbital/dibucaine; or]~~

~~[(g)[(h)] Commercially available agents for striped skunks, in accordance with manufacturer's specifications, except that prohibited methods of dispatch listed in this section shall not be used; or [-]~~

~~[(h) Commercially available rodenticides used on small rodents in accordance with manufacturer specifications, except that prohibited methods of dispatch listed in this section shall not be used.~~

(4) Prohibited methods of dispatch:

(a) Extra-label use of chemicals, toxicants, or poisons is prohibited.

(b) Per KRS 150.365, the following methods of take are prohibited:

1. Fire;

2. Explosives;

3. Mechanical, electrical, or hand operated sonic recording devices; or

4. Gas or smoke in a den, hole, or nest of wildlife.

Section 7. Release of Captured Wildlife.

(1) A NWCO shall:

(a) Transport wildlife for release in a safe manner that minimizes stress to the animal;

(b) Only release non-rabies vector species of wildlife:

1. On-site; or

2. In a rural habitat suitable for the particular species in which wildlife movement is unrestricted;
and

3. With the written permission of:

a. The private landowner of at least 100 contiguous acres;

- b. The private landowners of contiguous properties totaling at least 100 acres; or
- c. The agency responsible for management of public land totaling at least 300 acres.
- (c) Only release rabies vector species of wildlife captured outside the Enhanced Rabies

Surveillance Zone;

1. On-site;

2. In a rural habitat suitable for the particular species within the county of capture in which wildlife movement is unrestricted; and

3. With the written permission of:

- a. The private landowner of at least 100 contiguous acres;
- b. The private landowners of contiguous properties totaling at least 100 acres; or
- c. The agency responsible for management of public land totaling at least 300 acres.

(2) A NWCO shall not:

(a) Transport a rabies vector species into, out of, or within the enhanced rabies surveillance zone;

(b) Release nuisance wildlife in unsuitable habitat including any enclosed area that restricts free movement of wildlife or holds wildlife captive.

[(4)] A NWCO shall:

- ~~(a) Euthanize wildlife that shows obvious symptoms of disease or injury;~~
- ~~(b) Transport wildlife for release in a safe manner that minimizes stress to the animal;~~
- ~~(c) Not release wildlife:~~

~~1. Except in a rural habitat suitable for the particular species; and~~

~~2. Without the written permission of:~~

- ~~a. The private landowner of at least 100 contiguous acres;~~
- ~~b. The private landowners of contiguous properties totaling at least 100 acres; or~~
- ~~c. The agency responsible for management of public land totaling at least 300 acres;]~~

Section 8. Disposal of Carcasses.

~~[(1)]~~ ~~[(d)]~~ A NWCO shall dispose of all wildlife carcass[carcasses] by:

~~(1)~~ ~~[(1)]~~ Complete incineration of the entire carcass and all of its parts and products;

~~(2)~~ ~~[(2)]~~ Placing the carcass in a contained landfill as established in KRS Chapter 224;

~~(3)~~ ~~[(3)]~~ Burying the carcass and all its parts and products in the earth:

~~(a)~~ ~~[(a)]~~ In a location that is never covered with the overflow of ponds or streams;

~~(b)~~ ~~[(b)]~~ Not less than 100 feet from any watercourse, sinkhole, well, spring, public highway, residence, or stable; and

~~(c)~~ ~~[(c)]~~ At least one (1) foot deep and covered with one (1) foot of earth; or

~~(4)~~ ~~[(4)]~~ Removing the carcass by a duly licensed rendering establishment; and

~~(e) Not hold wildlife for more than forty-eight (48) hours except as otherwise provided by administrative regulations promulgated by the department.~~

~~(5) A permitted NWCO wishing to sell the pelts of furbearers taken during the statewide furbearer hunting and trapping season shall also possess a valid trapping license or hunting license, if applicable.]~~

Section 9.~~[Section 7.]~~ Revocation and Denial of Permits and Appeal Procedure.~~[Permit revocation, appeal process.]~~

(1) The department shall revoke the permit without refund, deny the issuance of a new permit, or deny a renewal of an existing or lapsed permit and confiscate wildlife of a person[the permit of a nuisance wildlife control operator] who:

(a) Is convicted of a violation of any provisions of:

1. KRS Chapter 150;

2. 301 KAR Chapters 1 through 5;

3. Any federal statute or regulation related to hunting, fishing, or wildlife; or

4. Another state's fish and wildlife law.

(b) Fails to comply with the provisions of this administrative regulation or 301 KAR 2:041, 301 KAR 2:075, 301 KAR 2:081, or 301 KAR 2:251;

(c) Provides false information on a Commercial NWCO Permit Application, Commercial NWCO Annual Activity Report, federal permit, written permission for wildlife release, or records;

(d) Takes nuisance wildlife with methods not approved in this regulation or 301 KAR 2:251;

(e) Takes nuisance wildlife for commercial purposes without a valid commercial nuisance wildlife control permit;

(f) Takes federally protected species without a federal permit;

(g) Possesses wildlife over forty-eight (48) hours;

(h) Fails to dispatch rabies vector species at capture site in the Enhanced Rabies Surveillance Zone;

(i) Transports rabies vector species into, out of, or within the Enhanced Rabies Surveillance Zone;[;]

(j) Transports rabies vector species captured outside the Enhanced Rabies Surveillance Zone to a location outside the county of capture;

(k) Fails to comply with any provision of KRS Chapter 150, any administrative regulation of the department, or hunting, fishing, or wildlife laws of the federal government; **or[;]**

(l) Allows non-permitted persons to assist or conduct NWCO activities or have direct contact with wildlife.

(2) A person whose permit is denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

(a) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or revocation.

(b) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(c) The hearing officer's recommended order shall be considered by the commissioner and the commissioner shall issue a final order pursuant to KRS Chapter 13B.

(3) Denial period.

(a) An applicant for a NWCO permit whose permit has been revoked or denied for the grounds established in this section shall be ineligible to reapply, and all applications shall be denied for the period established below:

1. The initial denial period shall be one (1) year;

2. A second denial period shall be three (3) years; **and**

3. A third or subsequent denial period shall be five (5) years.

(b) During the denial period, a person whose nuisance wildlife control operator permit has been denied or revoked shall not operate as a NWCO or assist in nuisance wildlife control activities.

~~[(a) Is convicted of a violation of a federal fish and wildlife law, a Kentucky fish and wildlife law, including KRS Chapter 150 or Title 301 KAR, or another state's fish and wildlife law; or~~

~~(b) Knowingly provides false information on:~~

~~1. The application for a permit; or~~

~~2. The Annual Activity Report.~~

~~(2) An individual whose permit has been revoked shall be ineligible to apply for another Nuisance Wildlife Control Operator Permit or be an assistant on another Nuisance Wildlife Control Operator Permit for a period of three (3) years.~~

~~(3) An individual whose permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.]~~

Section 10.[Section 8.] Incorporation by Reference[Items incorporated by Reference].

(1) The following material is incorporated by reference:

(a) "Commercial Nuisance Wildlife Control (NWCO) Permit Application," 2022 edition~~[-August 2004];~~ and

(b) "Commercial Nuisance Wildlife Control Operator (NWCO) Annual Activity Report~~[-Form],~~" 2022 edition~~.[August 2004;]~~

(2) The material may be inspected, copied, or obtained subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane~~[Game Farm Road],~~ Frankfort, Kentucky, Monday through Friday from 8 a.m. to 4:30 p.m.

(3) This material may also be found on the department's Web site at: <https://fw.ky.gov/Wildlife/Pages/Commercial-Nuisance-Wildlife-Control-Operator.aspx> for general NWCO information.

CONTACT PERSON: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.



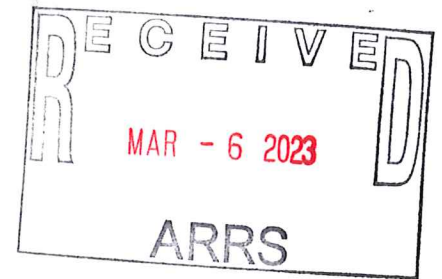
Andy Beshear
GOVERNOR

JUSTICE AND PUBLIC SAFETY CABINET

125 Holmes Street
Frankfort, Kentucky 40601
Phone: (502) 564-7554
Fax: (502) 564-4840

Kerry Harvey
SECRETARY

March 6, 2023



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

Re: 501 KAR 6:040 Kentucky State Penitentiary.

Dear Ms. Caudill:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 501 KAR 6:040, the Justice and Public Safety Cabinet, Department of Corrections proposes the attached suggested amendment to 501 KAR 6:040.

Sincerely,

Amy V. Barker
Assistant General Counsel

enclosure

SUGGESTED CHANGES

JUSTICE AND PUBLIC SAFETY CABINET Department of Corrections

501 KAR 6:040. Kentucky State Penitentiary policies and procedures.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 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 Kentucky State Penitentiary.

Section 1. Incorporation by Reference. (1) Kentucky State Penitentiary policies and procedures, March 7~~[February 14], 2023~~~~[November 14, 2022]~~~~[May 11, 2017]~~, are incorporated by reference. Kentucky State Penitentiary policies and procedures include:

KSP 01-02-01	Public Information and Media Communications (Amended <u>11/14/22</u> [11/8/2005])
KSP 02-01-02	Inmate Canteen (Amended <u>11/14/22</u> [3/14/17])
KSP 02-12-02	Inmate Funds (Amended <u>3/7/23</u> [11/14/22] [11/14/12])
[KSP 03-01-02]	Tobacco Free (Amended 5/11/17)]
KSP 06-01-02	Inmate <u>File</u> [Master Records] (Amended <u>11/14/22</u> [11/14/12])
KSP 10-02-01	<u>Restrictive Housing</u> [Special Management] Unit Operating Procedures, Living Conditions and Classification (Amended <u>3/7/23</u> [2/14/23] [11/14/22] [11/14/12])
KSP 10-02-05	<u>Special Security Unit</u> [Death Row] (Amended <u>11/14/22</u> [5/11/17])
[KSP 10-04-01]	Special Needs Inmates (Amended 11/14/12)]
KSP 13-01-01	Pharmacy Procedures (Amended <u>11/14/22</u> [3/14/17])
KSP 13-02-01	Health Services (Amended <u>3/7/23</u> [11/14/22] [11/8/2005])
KSP 13-02-03	Continuity of Care (Amended <u>11/14/22</u> [5/11/17])
KSP 13-	Levels of Care and Staff Training

02-04	(Amended <u>11/14/22</u> [11/8/2005])
KSP 13-02-05	Consultations (Amended <u>11/14/22</u> [9/14/2005])
KSP 13-02-08	Health Records (Amended <u>11/14/22</u> [12/12/06])
KSP 13-02-09	Psychiatric and Psychological Services (Amended <u>2/14/23</u> [11/14/22] [3/14/17])
KSP 13-02-13	Optometric Services (Amended <u>11/14/22</u> [1/7/13])
KSP 13-06-02	Informed Consent (Amended <u>11/14/22</u> [11/8/2005])
KSP 14-03-01	Marriage of Inmates (Amended 5/11/17)
KSP 14-04-01	Legal Services (Amended <u>3/7/23</u> [11/14/22] [3/14/17])
KSP 14-06-01	Inmate Grievance Procedure (Amended <u>3/7/23</u> [11/14/22] [3/14/17])
KSP 15-06-01	Adjustment Procedures (Amended <u>11/14/22</u> [5/11/17])
KSP 16-01-01	Visiting Program (Amended <u>3/7/23</u> [11/14/22] [3/14/17])
KSP 16-02-01	Inmate Correspondence (Amended <u>3/7/23</u> [11/14/22] [5/11/17])
KSP 16-03-02	Inmate Telephone Access (Amended <u>11/14/22</u> [3/14/17])
KSP 16-04-01	Inmate Packages (Amended <u>3/7/23</u> [2/14/23] [11/14/22] [3/14/17])
KSP 17-01-01	Inmate Personal Property (Amended <u>11/14/22</u> [9/14/2005])
KSP 17-01-02	Disposition of Unauthorized Property (Amended <u>11/14/22</u> [11/8/2005])
KSP 17-01-03	Procedures for Providing Clothing, Linens, and Other Personal Items (Amended <u>11/14/22</u> [3/14/17])
KSP 17-01-04	Property Room, Clothing Storage and Property Inventory Control (Amended <u>11/14/22</u> [11/8/2005])
KSP 17-01-06	Missing or Stolen Inmate Personal Property (Added 11/14/22)
KSP 17-02-01	Inmate Reception and Orientation (Amended <u>3/7/23</u> [11/14/22] [11/14/12])
KSP 18-01-01	Classification Committee (Amended <u>3/7/23</u> [11/14/22] [5/11/17])
KSP 18-01-02	Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) (Added 5/11/17)

KSP 18-01-05	Meritorious Housing Unit (<u>Amended 11/14/22</u> [Added 5/11/17])
KSP 18-06-01	Classification Document and Case Planning (<u>Amended 11/14/22</u> [3/14/17])
[KSP 18-40-04]	Preparole Progress Report (<u>Amended 3/14/17</u>)
KSP 18-15-01	Protective Custody Unit (<u>Amended 3/7/23</u> [11/14/22] [3/14/17])
KSP 19-04-01	Inmate Work Programs and Safety Inspections of Inmate Work Locations (<u>Amended 11/14/22</u> [3/14/17])
KSP 19-04-02	Unit Classification Committee and Inmate Work Assignments (<u>Amended 3/7/23</u> [11/14/22] [3/14/17])
KSP 19-05-01	Correctional Industries (<u>Amended 3/7/23</u> [11/14/22] [5/11/17])
KSP 20-04-01	Educational <u>Courses</u> [Programs] (<u>Amended 11/14/22</u> [5/11/17])
KSP 22-04-01	Arts and Crafts Program (<u>Amended 11/14/22</u> [12/12/06])
KSP 23-01-03	Religious Services (<u>Amended 11/14/22</u> [3/14/17])
KSP 25-01-01	Release Preparation Program (<u>Amended 11/14/22</u> [3/14/17])
KSP 25-01-02	Inmate Release Procedure (<u>Amended 11/14/22</u> [3/14/17])
KSP 25-10-01	Discharge of Inmates by Shock Probation (<u>Amended 3/7/23</u> [11/14/22] [11/14/12])

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Legal Services, Justice and Public Safety Cabinet, Department of Corrections, 275 E. Main Street, P.O. Box 2400, Frankfort, Kentucky 40602-2400, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site at <https://corrections.ky.gov/About/Pages/lrcfilings.aspx>.

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

CHANGES TO MATERIAL INCORPORATED BY REFERENCE:

KSP 02-12-02

Page 2, I.D.5.

After "Earnings", insert "shall".

Delete "will".

KSP 10-02-01

Page 6, I.B.2.g.(2)

After "in writing.", delete the following:

The attorney calling the institution initiates attorney phone calls.

Pages 7-8, I.B.2.j.(2)

After "two (2) sheets", insert a semicolon.

I.B.2.j.(5)(a)(ii)

After "paperback only", insert a semicolon.

I.B.2.j.(5)(a)(iii)

After "Newspapers;", insert "and".

I.B.2.j.(5)(c)

After "by 11";", delete "and".

I.B.2.j.(5)(d)

After "(security approved)", insert "; and".

Delete the period.

KSP 13-02-01

Page 1, Authority/References

After "5-ACI-2A-03", insert "CPP 5.1".

Page 4, I.L.

After "L. Inmate Participation in Research", insert "(Refer to CPP 5.1)".

Delete paragraphs 1. and 2. in their entirety.

KSP 14-04-01

Page 1, Authority/References Box

After "CPP 14.4, 15.7", insert the following:

Rule of Appellate Procedure (RAP) 43

Delete "Kentucky Civil Rule (CR) 76.32".

Page 8, I.G.2.a.

After "shall be allowed", delete "to".

I.G.2.d.

After "Legal Office. These", insert "shall".

Delete "must".

KSP 14-06-01

Page 1, I.

Renumber paragraphs "a." and "b." as "A." and "B.".

Renumber subparagraphs "(1)" and "(2)" as "1." and "2.".

KSP 16-01-01

Page 3, I.D.3.d.1.

Renumber as "(1)".

After "identification card", insert "shall be".

Delete "is".

I.D.3.d.2.

Renumber as "(2)".

After "This notarized statement", insert "shall be".

Delete "is".

KSP 16-02-01

Page 2, II.A.1.

After "except as provided for", insert "by".

Pages 2-9, II.-III.

Correct spelling of mail room throughout the policy as follows:

Insert "mail room".

Delete "mailroom".

Page 3., II.A.4.

Renumber "(a)" as "a.".

Renumber "(b)" as "b.".

Page 6, II.B.5.

After "Additionally, mail", insert "shall".

Delete "will".

KSP 16-04-01

Pages 3-4, I.A.6.(1)-(2)

Renumber "(1)" as "a.".

Renumber "(2)" as "b.".

Change spacing to match rest of policy.

I.A.6.(1)(a)-(c)

Renumber "(a)" as "(1)".

Renumber "(b)" as "(2)".

Renumber "(c)" as "(3)".

Change spacing to match rest of policy.

KSP 17-02-01**Page 5, I.C.6.a.**

After "assigned unit program staff and", insert the following:

have the inmate's institutional records reviewed

Delete "review institutional records".

Page 7**I.D.6.-7.**

Renumber paragraphs "6." and "7." as paragraphs "8." and "9.".

III.

Renumber as Section "II.".

After "Deputy Warden for Programs.", insert Attachment I.

KSP 18-01-01**Page 1, I.A.1.**

After "at least every", insert "six (6)".

Delete "12".

KSP 18-15-01**Page 1, Authority/References**

After "20-04-01", delete ", 12-05-01".

Page 4, II.K.

After "K. Personal Property", delete "1."

After "identification purposes.", delete paragraph 2. in its entirety.

Page 5, II.M.1.

After "1. Laundry services", insert "shall be".

Delete "are".

KSP 19-04-02**Page 1, I.A.3.**

After "3.", insert "An inmate shall not".

Delete "No inmate shall".

Page 6, I.E.3.a.

After "a. This", insert "shall".

Delete "is to".

KSP 19-05-01

Page 4, I.D.1.f.(2)

After "A Work for Time Credit inmate", insert "shall".

Delete "will".

Page 5, I.D.2.d.(1)

After "for promotions", insert "shall be".

Delete "is".

Page 6, I.D.2.d.(3)(3)

Renumber as "(4)".

KSP 25-10-01

Page 1, II.A.4.

After "judge granting shock probation, the inmate", insert "shall still be".

Delete "is still".

Andy Beshear
Governor



Jamie Link
Secretary, Education and
Labor Cabinet

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

KENTUCKY DEPARTMENT OF EDUCATION

300 Sower Boulevard • Frankfort, Kentucky 40601

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March 2, 2023

Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort, KY 40601

Re: 701 KAR 8:010, Charter school student application, lottery, and enrollment.

Dear Ms. Caudill:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 701 KAR 8:010, the Kentucky Board of Education proposes the attached amendment to 701 KAR 8:010.

Sincerely,

/s/ Todd G. Allen

Todd G. Allen
General Counsel

attachment

Staff-suggested Amendment
Final Version 3/2/2023
EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education

701 KAR 8:010. Charter school student application, lottery, and enrollment.

Page 3

Section 1(18)

Line 17

After "KRS 160.1591", insert "(5)".

Delete "(4)".

Page 14

Section 4(4)(a)

Line 22

After "Require or request", insert "·".

Page 17

Section 4(8)(d)

Lines 12 through 16

After "student's enrollment offer," insert the following:

and until the charter school is successful in contacting the parent, person with custody or charge, adult student, or emancipated youth student,

After "(2) of the following methods", delete the following:

, until the charter school is successful in contacting the parent, person with custody or charge, adult student, or emancipated student

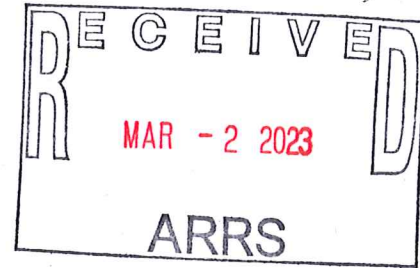
Andy Beshear
Governor



Jamie Link
Secretary, Education and
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March 2, 2023

Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort, KY 40601

Re: 701 KAR 8:020. Evaluation of charter school authorizers.

Dear Ms. Caudill:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 701 KAR 8:020, the Kentucky Board of Education proposes the attached amendment to 701 KAR 8:020.

Sincerely,

/s/ Todd G. Allen

Todd G. Allen
General Counsel

attachment

Staff-suggested Amendment

**Final Version 3/2/2023
EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education**

701 KAR 8:020. Evaluation of charter school authorizers.

Page 3

Section 1(10)

Line 6

After "which", insert "may".

Delete "can".

Page 8

Section 2(4)(c)

Line 10

After "KRS 160.1592(3)(r)", insert "i".

Delete ".".

Page 8

Section 2(8)

Line 19

After "request for renewal", insert "i".

Page 11

Section 3(4)(a)

Line 2

After "Education,", insert "which".

Delete "that".

Page 14

Section 4(8)(a)

Line 4

After "included in the", insert "application".

Delete "applicant".

Page 17

Section 5(4)(c)2.

Lines 14 and 15

After "established in paragraph", delete "(4)".

After "of this", insert "subsection".

Delete "section".

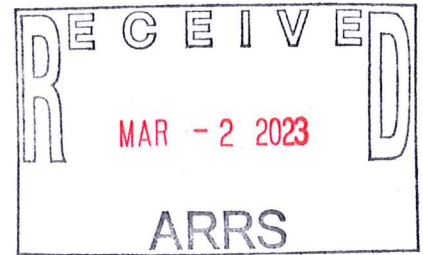
Andy Beshear
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March 2, 2023

Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort, KY 40601

Re: 701 KAR 8:040, Conversion charter school petition, conversion, and operation.

Dear Ms. Caudill:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 701 KAR 8:040, the Kentucky Board of Education proposes the attached amendment to 701 KAR 8:040.

Sincerely,

/s/ Todd G. Allen

Todd G. Allen
General Counsel

attachment

Staff-suggested Amendment

**Final Version 3/2/2023
EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education**

701 KAR 8:040. Conversion charter school petition, conversion, and operation.

Page 4

Section 2(5)(c)

Line 16

After "pencil", insert "L".

Delete "I".

Page 6

Section 2(14)

Line 19

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

Andy Beshear
Governor

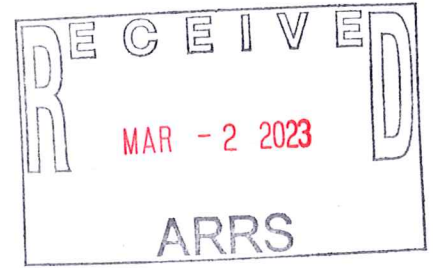


Jamie Link
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Commissioner of Education and Chief Learner

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February 28, 2023

Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort, KY 40601

Re: **704 KAR 8:120**, Required Academic Standards for Science

Dear Ms. Caudill:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 704 KAR 8:120, the Kentucky Board of Education proposes the attached amendment to 704 KAR 8:120.

Sincerely,

Todd G. Allen
General Counsel

attachment

Staff-suggested Amendment

**Final Version 2/28/2023
EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education**

704 KAR 8:120. Required Kentucky Academic Standards for Science.

Page 1

NECESSITY, FUNCTION, AND CONFORMITY paragraph

Line 12

After "KRS 156.070(1)", insert the following:

requires the Kentucky Board of Education to manage and control the common schools and all

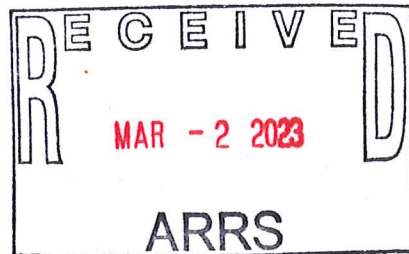
Andy Beshear
Governor



Jamie Link
Secretary, Education and
Labor 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 2, 2023

Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort, KY 40601

Re: 707 KAR 1:002. Definitions.

Dear Ms. Caudill:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 707 KAR 1:002, the Kentucky Board of Education proposes the attached amendment to 707 KAR 1:002.

Sincerely,

Todd G. Allen
General Counsel

attachment

Staff-suggested Amendment

**Final Version 3/1/2023
EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education**

707 KAR 1:002. Definitions.

Page 1

STATUTORY AUTHORITY paragraph

Line 9

After "KRS", insert "156.035".

Page 8

Section 1(31)

Line 1

After "means", insert "L".

Page 8

Section 1(34)

Line 8

After "developed, reviewed", insert "L".

Page 13

Section 1(53)

Line 4

After "children attend", delete "at".

Page 14

Section 1(59)

Line 5

After "environmental or economic", insert "disadvantage".

Delete "disadvantaged".

Page 14

Section 1(62)(a)

Line 15

After "process", delete "L".

Page 16

Section 1(65)

Line 3

After "with correction", insert ", ".

After "that", delete ":".



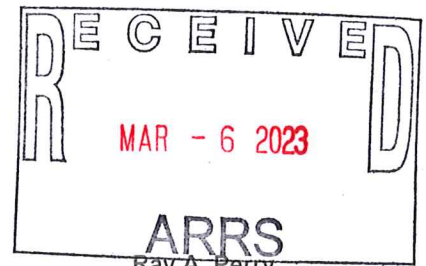
Andy Beshear
GOVERNOR

Jacqueline Coleman
LIEUTENANT GOVERNOR

PUBLIC PROTECTION CABINET
Kentucky Department of
Insurance

500 Mero Street, 2SE11
Frankfort, KY 40601
Phone: (502) 564-3630
Toll Free: (800) 595-6053

March 8, 2023



Sharon P. Clark
COMMISSIONER

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

Dear Ms. Caudill:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 806 KAR 3:250, the Department of Insurance proposes the attached amendment to 806 KAR 3:250.

Sincerely,

Abigail Gall, Executive Advisor
Department of Insurance
500 Mero Street
Frankfort, KY, 40601

SUGGESTED SUBSTITUTE

Final Version: 03/02/23 12:32 p.m.

806 KAR 003:250. Cybersecurity reporting procedures.

RELATES TO: KRS 304.3-750 ~~–[through]~~ KRS 304.3-768, **45 C.F.R. 160, 164, 15 U.S.C. 6801, 6805**

STATUTORY AUTHORITY: KRS 304.2-110, 304.3-756. 304.3-760, 304.3-766

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110(1) authorizes the Commissioner of **the Department of** Insurance to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.3-756 requires a non-exempt licensee to develop, implement, and maintain a comprehensive information security program based on an internal risk assessment. KRS 304.3-760 and 304.3-766 require non-exempt licensees to notify the Commissioner of **the Department of** Insurance of a cybersecurity event involving nonpublic information. This administrative regulation establishes the reporting procedures for non-exempt licensees to report a cybersecurity event and file a cybersecurity compliance report. The administrative regulation also establishes the procedure for a licensee to file a cybersecurity exemption form under KRS 304.3-752 and 304.3-766.

Section 1. Definitions.

- (1) "Cybersecurity Event" is defined by KRS 304.3-750(2).
- (2) "Information security program" is defined by KRS 304.3-750(4).
- (3) "Licensee" is defined by KRS 304.3-750(6).
- (4) "eServices" **means[is]** a secured electronic database developed and managed by the Department of Insurance that houses a registration of public and nonpublic information of licensees.

Section 2. Compliance and Exemption Reporting.

- (1) A licensee **who[that]** is domiciled in this state and is not exempt from the requirements of KRS 304.3-750 **through[to]** KRS 304.3-768 pursuant to KRS 304.3-752, or deemed in compliance with KRS 304.3-750 **through[to]** 304.3-768 pursuant to KRS 304.3-766, shall file a Cybersecurity Compliance Attestation Form with the department by February 15th of each year, attesting that the licensee has conducted all necessary risk assessments to fully develop an information security program and is currently implementing and executing that information security program as **established[set forth]** in KRS 304.3-756.
- (2) A licensee **who[that]** is deemed compliant under KRS 304.3-766, shall file a Cybersecurity Exemption Compliance Form with the department by February 15th of each year, attesting to their compliance with the Health Insurance Portability and Accountability Act of 1996, **45 C.F.R. Parts 160 and 164**, or the Gramm-Leach-Bliley Act of 1999, **15 U.S.C. 6801 and 6805**.
- (3) The Cybersecurity Compliance Attestation Form and the Cybersecurity Exemption Compliance Form shall be filed electronically through the licensees' eServices account on the department's secure Web site: <https://insurance.ky.gov/doieservices/UserRole.aspx>.

Section 3. Reporting a Cybersecurity Event.

- (1) **If** a licensee **who[that]** is domiciled in **Kentucky[this state]** and is not exempt under KRS 304.3-752, **reasonably believes that a cybersecurity event has occurred that meets a qualification established in KRS 304.3-760(1)(a) or (b), the licensee** shall:
 - (a) Report to the commissioner the details of a cybersecurity event within three (3) business days from the determination that a cybersecurity event has occurred; and

(b) Report the cybersecurity event on the Cybersecurity Event **Reporting** Form submitted electronically through the licensees' eServices account located on the department's secure Web site: <https://insurance.ky.gov/doieservices/UserRole.aspx>.

(2) A licensee ~~who~~**[that]** is not domiciled in **Kentucky and who is not exempt as established in KRS 304.3-752, [this state]** but reasonably believes that the cybersecurity event meets any of the qualifications **established**~~[described]~~ in KRS 304.3-760(1)(c), shall:

(a) Report to the commissioner the details of a cybersecurity event within three (3) business days from the determination that a cybersecurity event has occurred; and

(b) Report the cybersecurity event on the Cybersecurity Event **Reporting** Form submitted electronically through the licensees' eServices account located on the department's secure Web site: <https://insurance.ky.gov/doieservices/UserRole.aspx>.

(3) A licensee who is deemed compliant under KRS 304.3-766 shall:

(a) Notify the commissioner of a cybersecurity event in the same manner and form no later than the licensee notifies the affected consumers or federal regulatory authorities, as applicable; and

(b) Submit the notification electronically to the commissioner via email **at**~~:~~ DOI.CommissionerOffice@ky.gov.

Section 4. Amending a Cybersecurity Event Submission. A licensee, who has filed a Cybersecurity Event **Reporting** Form with the department shall:

(1) Within three (3) business days of the discovery of new information, update and supplement any initial and subsequent cybersecurity event notifications to the commissioner; and

(2) Amend a previously submitted Cybersecurity Event **Reporting** Form electronically through the licensees' eServices account located on the department's secure Web site: <https://insurance.ky.gov/doieservices/UserRole.aspx>.

Section 5. Incorporated by Reference.

(1) The following material is incorporated by reference.

(a) "Cybersecurity Compliance Attestation Form", 12/22;

(b) "Cybersecurity Exemption Compliance Form", 12/22; and

(c) "Cybersecurity Event Reporting Form", 12/22.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Insurance, The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. Forms may also be obtained on the Department of Insurance Internet Web site, <https://insurance.ky.gov/ppc/CHAPTER.aspx>.

***General Reviewer's Note:** File one (1) revised attachment regarding the economic impact with the Compiler in conjunction with filing this suggested substitute.

FISCAL NOTE

806 KAR 3:250

Contact Person: Abigail Gall

Phone: 502-782-5260

Email: abigail.gall@ky.gov

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Insurance as the implementer.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 304.2-110, 304.39-300.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated.

(c) How much will it cost to administer this program for the first year? There is no administrative cost associated with this program.

(d) How much will it cost to administer this program for subsequent years? There is no administrative cost associated with this program.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: There is no expectation of fiscal impact.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? No cost savings are associated with this regulation or amendments

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? No cost savings are associated with this regulation or amendments

(c) How much will it cost the regulated entities for the first year? There is no cost expected.

(d) How much will it cost the regulated entities for subsequent years? There is no cost expected.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation: There is no cost associated with this administrative regulation and therefor no fiscal impact.

- (5) Explain whether this administrative regulation will have a major economic impact, as defined below. *"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]*

As per a Deloitte report, the average business will invest between 6% and 14% of its annual IT budget in cybersecurity. This represents less than a quarter of the total budget allocated to cybersecurity. In general, most businesses spend around 10% of their IT budget.

With that, the average financial cost of a cyber attack to a US small business over 12 months is \$25,612. The cost to implement appropriate cybersecurity features are far less of a burden than the cost of being a victim to a cybersecurity attack. The Department does not believe this bill would have a major economic impact on regulated entities. Many entities regulated under the Department already have cybersecurity programs in place.