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February 8, 2024

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

Re: 17 KAR 6:020. Kentucky Women Veterans Program and coordinating committee. Administrative procedures.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 17 KAR 6:020, the Kentucky Department of Veterans Affairs (KDVA) proposes the attached amendment to 17 KAR 6:020.

Sincerely,

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

SUGGESTED SUBSTITUTE

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

17 KAR 6:020. Kentucky Women Veterans Program and coordinating committee. Administrative procedures.

RELATES TO: KRS 40.310, ~~[40.560,]~~40.600

STATUTORY AUTHORITY: KRS 40.600

NECESSITY, FUNCTION, AND CONFORMITY: KRS 40.600(1) establishes the Kentucky Women Veterans Program. KRS 40.600(5) requires the establishment of a Women Veterans Coordinating Committee. KRS 40.600(6) authorizes the program~~[40.540 requires the department to promulgate administrative regulations required for the effective administration of KRS 40.310 through KRS 40.560. KRS 40.600 authorizes the Kentucky Department of Veterans Affairs]~~ to accept and expend moneys that may be appropriated by the General Assembly; and other monies received from any other source, including donations and grants. KRS 40.600(7) authorizes the Department of Veterans' Affairs to promulgate administrative regulations to implement KRS 40.600. This administrative regulation establishes procedures for expenditures and fundraising by the Kentucky Women Veterans Program. It [and other contributions from a government unit and authorizes the department to administer the funds through the use of agency accounts. KRS 40.600 requires the Kentucky Department of Veterans Affairs to manage the funds and authorize expenditures. This administrative regulation]also establishes a coordinating committee to make recommendations for fund expenditures and outlines the administrative procedures of the coordinating committee.

Section 1. Definitions.

- (1) "Commissioner" means the Commissioner of the Kentucky Department of Veterans Affairs.
- (2) "Coordinating Committee" means the Women Veterans Program Coordinating Committee.
- (3) "Fund" means the Kentucky Women Veterans Program Fund established by KRS 40.600(6).
- (4) "Woman Veteran" means a woman who served in the United States Armed Forces or in forces incorporated as part of the United States Armed Forces, and who was discharged under other than dishonorable conditions.

Section 2. Expenditures and Fundraising.

~~[(1) In accordance with this subsection and subsection (2) of this section,]~~Money appropriated from the fund shall be expended in support of ~~[the]~~ Women Veterans Program's activities or events as authorized by KRS 40.600~~[that directly benefit women veterans, including the following activities or events:~~

- ~~(a) Educational sessions or training seminars focused on eligibility requirements for women veterans seeking federal and state veterans' benefits and services;~~
- ~~(b) Research projects focused on collecting and retaining demographic or service-connected disability data for Kentucky's women veterans;~~
- ~~(c) Dissemination of benefit information for women veterans through circulars, brochures, social media, and other media outlets;~~
- ~~(d) Annual meetings or conferences focused on engagement of Kentucky's women veterans and discussions of issues specific to women veterans;~~
- ~~(e) Job fairs, job placement services, other similar programs, or a combination of these focused on employing women veterans;~~

- ~~(f) Therapeutic opportunities focused on improving the mental and emotional wellbeing of Kentucky's women veterans;~~
- ~~(g) Entrepreneurial opportunities for women veterans seeking to establish or expand female veteran-owned businesses;~~
- ~~(h) Programs, memorials, monuments, and other projects that bring public recognition and awareness to the sacrifices, needs, and contributions of Kentucky's women veterans.~~
- ~~(i) Other services designed to make gaining access to federal and state benefits and services more convenient, efficient, or feasible for Kentucky's women veterans.~~
- ~~(j) Costs associated with the above, such as transportation, meals, lodging, and salaries.~~
- ~~(2) Fundraising. If fundraising on behalf of the Women Veterans Program, the Kentucky Department of Veterans Affairs may accept a gift, donation, or grant from an individual, a corporation, or a government entity, provided that the funds are not restricted to tax exempt organizations as defined by Title 26, Section 501(c) of the Internal Revenue Code.]~~

Section 3. Coordinating Committee for the Women Veterans Program.

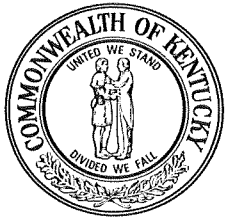
- (1) The committee shall consist of ten (10) members, including:
 - (a) The commissioner ~~[of the Kentucky Department of Veterans Affairs];~~
 - (b) The women veterans program coordinator of the Kentucky Department of Veterans Affairs;
 - (c) Two (2) members from state government:
 - 1. A Senator appointed by the President of the Kentucky Senate; and
 - 2. A Representative appointed by the Speaker of the Kentucky House of Representatives; ~~[-]~~
 - (d) Two (2) members from public agencies that provide grants, benefits, or services to women veterans; and ~~[-]~~
 - (e) Four (4) members from private organizations that provide grants, benefits, or service to women veterans.
- (2) The commissioner ~~[of the Kentucky Department of Veterans Affairs]~~ shall appoint the public agencies and private organizations represented on the committee.
 - (a) A public agency and private organization specified in subsection (1)(d) and (e) of this section shall recommend two (2) members of the agency or organization to serve on to the committee.
 - (b) The commissioner ~~[of the Kentucky Department of Veterans Affairs]~~ shall appoint one (1) member from each agency and each organization from the names submitted by the agencies and organizations.
 - (c) Where possible, at least seven (7) members of the coordinating committee shall be women veterans.
- (3) Terms of members. Except in cases of retirement, resignation, or other inability or unwillingness to serve, the initial appointments to the committee shall be as established in paragraphs (a) and (b) of this subsection.
 - (a) A member appointed pursuant to subsection (1)(c) of this section shall serve for a period of two (2) years.
 - (b) A member appointed pursuant to subsection (1)(d) and (e) of this section shall serve for a period of three (3) years.
- (4) The committee shall:
 - (a) ~~[Meet at the call of the commissioner of Kentucky Department of Veterans Affairs, at least once per quarter.~~
 - ~~(b)]~~Make recommendations for fiscally responsible uses of funds donated, gifted, or designated to the Women Veterans Program, including:
 - 1. Propose, investigate, and approve activities that support Kentucky's women veterans; and
 - 2. Establish guidelines for approved activities, including funding parameters; ~~[-]~~
 - ~~(b) [(e)]~~ Prepare meeting minutes that summarize each meeting, including recommendations made by the committee;
 - ~~(c) [(d)]~~ Prepare an annual report that summarizes recommendations made by the committee and financial activities undertaken on behalf of Kentucky's women veterans; and

~~(d)~~~~(e)~~ Submit an annual report by July 20th of each year to be included in the Kentucky Department of Veterans Affairs Annual Report.

(5) The commissioner shall assign duties as appropriate to the Kentucky Department of Veterans Affairs' staff or members of the coordinating committee to assist with administration of the committee.

~~[Section 4. Coordinating Committee Procedures. Coordinating committee procedures shall be in accordance with the approved of the Women Veterans Coordinating Committee.]~~

CONTACT PERSON: Juan Renaud, Deputy Commissioner, Office of the Commissioner, 1111 Louisville Rd., Suite B, Frankfort, Kentucky 40601; phone (502) 782-5721; fax (502) 564-9240; email juan.renaud@ky.gov.



KENTUCKY PUBLIC PENSIONS AUTHORITY

David L. Eager, Executive Director

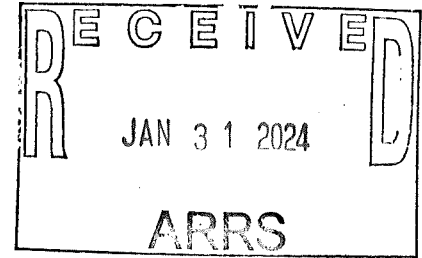
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Kentucky Public
Pensions Authority

January 24, 2024

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



Re: 105 KAR 1:215 Administrative Hearing.

Dear Co-Chairs West and Lewis:

After discussions with the Administrative Regulation Review Subcommittee staff of issues raised by 105 KAR 1:215, the Kentucky Public Pensions Authority accepts the proposed attached staff suggested amendment.

Sincerely,

Jessica Beaubien

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

Final, 1-23-2024

SUGGESTED SUBSTITUTE – To Amended After Comments Version

**FINANCE AND ADMINISTRATION CABINET
Kentucky Public Pensions Authority**

105 KAR 1:215. Administrative hearing.

RELATES TO: KRS 13B.010-13B.170, 16.505-16.652, 61.510-61.705, 78.510-78.852

STATUTORY AUTHORITY: KRS 61.505(1)(g)~~[61.645(9)(e)]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate all administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with KRS ~~16.505/16.510~~ to 16.652, **61.505**, 61.510 to 61.705, and 78.510 to 78.852.~~[KRS 61.645(9)(e) authorizes the Board of Trustees of Kentucky Retirement Systems to promulgate all administrative regulations necessary or proper in order to carry out the provisions of KRS 61.515 to 61.705, 16.510 to 16.652, and 78.520 to 78.852.]~~ KRS 61.645(16) and 78.782(16) provide~~[provides]~~ that an affected person aggrieved by a decision of the agency~~[system]~~, which is not a determination relating to disability retirement benefits, or an employer that is required to pay additional actuarial costs pursuant to KRS 61.598 and 78.545, may have the right to request an administrative hearing prior to the filing of an appeal in court. KRS 61.615(3), 61.665(3), 78.545, and 78.5528(3) provide that an affected person whose disability retirement benefits have been denied, reduced, discontinued, or denied for reinstatement may have the right to request an administrative hearing prior to filing of an appeal in court. This administrative regulation establishes the administrative appeal procedures.

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

(1) "Administrative hearing" or "hearing" is defined by KRS 13B.010(2).

(2) "Administrative record" means the official record of hearing as defined by KRS 13B.130.

(3) "Affected person" means a member, retired member, beneficiary, or recipient~~[as defined in KRS 16.505, 61.510 and 78.510].~~

(4) "Agency portal" means an online portal which stores and tracks relevant information related to an administrative hearing held in accordance with KRS Chapter 13B, including:

(a) The evidentiary record;

(b) Notices of scheduled pretrial conferences, status conferences, or hearings; and

(c) Reports, findings, briefs, position statements, reply position statements, exceptions, and orders.

(5) "Authorized agency staff" means employees of the agency who are approved parties to access the agency portal.

(6) "Briefing order" means an order issued by the hearing officer that provides deadlines for the parties to file any of the following:

(a) Position statements and reply position statements; or

(b) Briefs containing procedural, factual, or legal arguments.

(7) "Claimant" means an affected person who has filed an appeal due to a substantial impairment or an employer that is required to pay additional actuarial costs pursuant to KRS 61.598 and 78.545, and whose matter is still pending at the administrative or appellate court levels.

(8) "Entry of appearance" means a written statement filed at the retirement office attesting that a claimant is represented by an attorney in an administrative hearing process held in accordance with KRS Chapter 13B.

(9) "Evidentiary record" means all evidence, including video recordings of the administrative hearing, received and considered by the agency pertaining to a specific claimant's administrative hearing held in accordance with KRS Chapter 13B.

(10) "Final order" is defined by KRS 13B.010(6).

(11) "Hearing officer" is defined by KRS 13B.010(7).

(12) "Informal settlement" means a submission to the agency by either party that concludes~~will conclude~~ a request for an administrative hearing prior to the hearing process being initiated.

(13) "Party" is defined by KRS 13B.010(3).

(14)~~(13)~~ "Position statement" means a written statement ~~each party may file~~ to explain a party's~~his or her~~ arguments of fact and law based upon the evidentiary record and applicable statutory and case law.

(15)~~(14)~~ "Recommended order" is defined by KRS 13B.010(5).

(16)~~(15)~~ "Reply position statement" means a written statement ~~each party may file~~ to explain a party's~~his or her~~ rebuttal arguments of fact and law that address the factual and legal arguments in the opposing party's position statement.

(17)~~(16)~~ "Substantially impair" means:

(a)

1. The denial, discontinuance, or reduction of an affected person's benefits;

2. The final determination by the agency **requires** that an affected person ~~must~~ repay overpaid benefits; or

3. The final determination by the agency that the affected person is not exempt from the reduction of creditable compensation in accordance with KRS 61.598 and 78.545; and

(b) Does not include calculation methodology found in KRS 16.505-16.652, 61.510-61.705, 78.510-78.852, and KAR Title 105.

Section 2. Agency Portal.

(1) The agency shall provide a unique method for approved parties to access the administrative record, including hearing recordings, memorandums, and any other relevant documentation related to administrative hearings held in accordance with KRS Chapter 13B for the matter in which they are directly involved, in the agency portal. Access shall be granted to the following:

(a) Members of the Administrative Appeals Committee (AAC) or Disability Appeals Committee (DAC) as applicable;

(b) The claimant or the claimant's attorney;

(c) The hearing officer assigned to the matter; and

(d) Authorized agency staff.

(2) If a request for an administrative hearing in accordance with Section 5 of this administrative regulation is received by the agency, the agency shall notify the claimant or the claimant's attorney, as indicated on the request or entry of appearance, of the use of the agency portal for administrative hearings. The notice shall include details concerning:

(a) The use of the affected person's personal email, or his or her attorney's email, and how to provide or update that email for access to the agency portal; and

(b) How to request an exemption from use of the agency portal in accordance with Section 3 of this administrative regulation.

(3)

(a) The claimant or the claimant's attorney, the applicable hearing officer, and authorized agency staff shall receive notification when the following becomes available on the agency portal, as applicable:

1. The evidentiary record;

2. Additional documents when they are received and uploaded;

3. Details of scheduled **prehearing**~~pretrial~~ conferences, status conferences, or hearings;

4. Any additional information related to the administrative record as it becomes available;

5. Reports, findings, briefs, position statements, reply position statements, exceptions and orders; and

6. Video recordings of the administrative hearing.

(b)

1. The agency shall provide notification to the claimant, or the claimant's attorney, detailing how to file and view documentation for inclusion in the evidentiary record and any other relevant documentation related to administrative hearings held in accordance with KRS Chapter 13B, such as motions, briefs, and exceptions.

2. Documentation shall be filed through mail, electronic mail, in-person delivery, or fax as provided in the notice, and shall be considered in compliance with KRS 13B.080(2).

(4) AAC or DAC members shall receive notification when the evidentiary record is ready for review in the agency portal.

Section 3. Agency Portal Use Exemption.

(1)

(a) A claimant may be exempt from use of the agency portal only if he or she files a completed request in accordance with subsection (2) of this section and meets one (1) of the following criteria:

1. The claimant does not have internet access;

2. The claimant does not have access to a computer, smart phone, or tablet capable of allowing him or her to adequately use the agency portal; or

3. The claimant has an impairment or disability that limits his or her ability to use electronic communications.

(b) There **shall not be an[is-no]** agency portal use exemption available for hearing officers, DAC or AAC members, authorized agency staff, or attorneys.

(2)

(a) To request an agency portal use exemption, the claimant shall complete and file a valid Form 2940, Agency Portal Exemption.

(b) Once a valid Form 2940 is on file with the agency, the affected person shall only be granted access to the agency portal if he or she completes and files a new valid Form 2940 electing to withdraw the previously filed exemption request and provides a valid email address.

(c) The last valid Form 2940 on file with the agency shall control whether the affected person has access to the agency portal.

(3) Once the valid Form 2940, Agency Portal Exemption, is processed, the claimant shall receive the administrative record, including hearing recordings, memorandums, and any other relevant documentation related to administrative hearings held in accordance with KRS Chapter 13B for the matter in which he or she is directly involved, via first-class mail, except if[when] a different manner of distribution is required by KRS Chapter 13B.

Section 4. [~~Section 2.~~] Notification of the Right to Request an Administrative Hearing.

(1)

(a) If the agency issues a final determination[~~system takes action~~] which substantially impairs an affected person's benefits or rights under KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852, except as provided in subsection (2) of this section[~~action which relates to entitlement to disability benefits~~], the agency[~~system~~] shall notify the affected person of the opportunity to request an administrative hearing by the end of day thirty (30) calendar days from the date of the notice[~~a hearing~~]. The notification shall be contained in the notice of final determination.[~~action. An affected person may request a hearing by submitting the request in writing within thirty (30) days after the date of the notice of the opportunity to request a hearing. The request for hearing shall be filed with the executive director of the system at its office in Frankfort. The request for hearing shall contain a short and plain statement of the basis for request.~~]

(b) If the agency issues a final determination that an employer is required to pay additional actuarial costs pursuant to KRS 61.598 and 78.545, the agency shall notify the affected employer of the opportunity to request an administrative hearing by the end of day thirty (30) calendar days from the date of the notice. The notification shall be contained in the notice of the final determination.

(2)

(a) If the agency issues a final determination which denies an affected person disability retirement benefits, the agency shall notify the affected person of the opportunity to request an administrative hearing by the end of day 180 calendar days from the date of the notice as prescribed by KRS 61.665(2) and 78.545.

(b) If the agency issues a final determination which reduces or discontinues an affected person's disability retirement benefits, or which denies reinstatement of the affected person's disability retirement benefit, the agency shall notify the affected person of the opportunity to request an

administrative hearing by the end of day sixty (60) calendar days from the date of the notice as prescribed by KRS 61.615(3) and 78.5528(3).

(c) The notification shall be contained in the notice of the final determination.

Section 5. ~~Section 3.~~ Request for an Administrative Hearing.

(1) ~~Each request~~~~[All requests]~~ for an administrative hearing shall be in writing and ~~[shall]~~ include a short and plain statement of the basis for the request. The request shall be filed as provided in the notice of the right to appeal and within the timeframes prescribed in Section 4 of this administrative regulation.

(2) Failure of the affected person to request a formal hearing within the ~~prescribed timeframes~~~~[period of time specified]~~ shall preclude the affected person from requesting an administrative~~[a]~~ hearing at a later time.

(3) An entry of appearance may be filed with the request for an administrative hearing or at any time during the administrative hearing process.

Section 6. Informal Settlements.

(1)

(a) An informal settlement~~[settlements]~~ pursuant to KRS 13B.070(3) is an optional way to settle an appeal. Informal settlements shall~~[may]~~ only be used if:

1. The ~~issue or issues~~~~[issue(s)]~~ that prompted the administrative hearing ~~have~~~~[has]~~ been resolved;

2. The agency has determined it will not take the agency action that resulted in the request for an administrative hearing; or

3. The claimant wishes to withdraw his, her, or its request for an administrative hearing.

(b) Informal settlements pursuant to KRS 13B.070(3) shall not be used other than as described in paragraph (a) of this subsection.

(2) The submission of an informal settlement pursuant to KRS 13B.070(3) shall be made by the party with the burden of proof under KRS 13B.090(7).

(3) An informal settlement pursuant to KRS 13B.070(3) shall be made in writing and filed with the agency. The informal settlement shall include:

(a) The claimant's or relevant member's first name, last name, and member ID or other personal identifying information; and

(b) A brief statement detailing the purpose of the informal settlement.

(4)

~~[(a)]~~ An informal settlement pursuant to KRS 13B.070(3) ~~shall~~~~[may]~~ only be filed ~~and valid if it occurs:~~

~~[(a)]~~[1.]~~~~ After a request for administrative hearing has been filed in compliance with Section 5 of this administrative regulation; and

~~[(b)]~~[2.]~~~~ Prior to the agency's distribution of an order scheduling the prehearing conference through the agency portal, as described in Section 2 of this administrative regulation, or by first-class mail.

~~[(b)]~~ An informal settlement pursuant to KRS 13B.070(3) shall not be valid if:

~~1. Filed prior to a request for an administrative hearing as specified in Section 5 of this administrative regulation; or~~

~~2. Filed after the agency has distributed an order scheduling the prehearing conference.]~~

(5)

(a) If an informal settlement is submitted that meets the qualifications established in subsections (1) through (4) of this section, the matter shall be considered resolved, and the agency shall notify both parties in writing that the matter has been resolved and the administrative hearing shall not proceed.

(b) The written notification in paragraph (a) of this subsection shall state that both parties shall have until the end of day fifteen (15) calendar days from the date the notification is provided to file a written objection to the notification that the administrative hearing shall not proceed.

(6)

~~[(a)]~~ If a written objection as provided in subsection (5)(b) of this section is:

(a) Filed by the end of day on the 15th calendar day [as provided in subsection (5)(b) of this section], the administrative hearing requested shall proceed; or [.]

(b) ~~[(If a written objection is)]~~ Not filed by the end of day on the 15th calendar day [as provided in subsection (5)(b) of this section], the administrative hearing requested shall not proceed, and the matter shall not be appealable.

(7) ~~[Nothing in]~~ This section shall not prevent the parties from engaging in formal settlements and agreements to present to the hearing officer in accordance with Section 9 of this administrative regulation.

Section 7. ~~[Section 6.]~~ [Section 4.] Prehearing Conference.

(1) The prehearing conference shall be held telephonically. The agency shall provide notice to the affected person or his or her attorney of the date, time, and instructions for providing a phone number. ~~[The system may, either through review of its records or conference with the affected person, recommend a favorable determination prior to scheduling a hearing. Upon notification of a favorable determination, the affected person may withdraw the hearing request or request that the hearing be scheduled.]~~

(2) The prehearing conference shall be initiated by agency staff and shall be presided over by the hearing officer in accordance with KRS 13B.070. During the prehearing conference, the parties shall prepare stipulations, clarify the issues to be decided, request issuance of subpoenas and orders, and address other matters that will promote the orderly and prompt conduct of the hearing. ~~[The hearing officer may request a prehearing conference or may consider new evidence not already part of the affected person's file. The prehearing conference is an informal procedure, presided over by the hearing officer. Every effort shall be made by all parties to dispose of controversies, to narrow and define issues, and to facilitate prompt settlement of the claim.]~~

(3) If at the conclusion of the prehearing conference either party needs time to submit additional documentation, the hearing officer shall schedule a status conference for follow up ~~[the parties have not reached an agreement on all the issues, the hearing officer shall schedule a hearing to be held within a reasonable time].~~

(4) ~~If~~ at the conclusion of the prehearing conference all documentation is submitted and all parties agree to proceed, an administrative hearing shall be scheduled. ~~[If the parties agree upon a settlement after the prehearing conference but before the hearing, the settlement agreement shall be filed with the hearing officer. The hearing shall be cancelled and notice of the cancellation shall be served on all parties.]~~

Section 8. ~~[Section 7.]~~ Status Conference.

(1) If held, a status conference shall be held telephonically. The agency shall provide notice to the affected person or his or her attorney of the date, time, and instructions for providing a phone number for the status conference.

(2) A status ~~conference~~ ~~[conferences]~~ may be held to discuss any outstanding issues or documentation from the prehearing conference or a previous status conference.

(3) Additional status conferences may be held until pending issues are resolved and the parties agree to proceed with the administrative hearing.

(4) A post administrative hearing status conference may be held to follow up on cases put on hold for further records in accordance with Section ~~11/40~~ (5) of this administrative regulation.

Section 9. ~~[Section 8.]~~ Agreed Orders and Motions to Dismiss.

(1) If at any time both parties agree to a settlement on the issue of the pending administrative appeal, a settlement agreement may occur through either an Agreed Order or a Motion to Dismiss filed with the hearing officer.

(2) Pursuant to KRS 13B.080(6), a Motion to Dismiss may be filed with the hearing officer if:

(a) The claimant or agency fails to appear at more than one (1) pre-hearing or status conference, and if the agency fails to reschedule or the claimant fails to contact the agency to reschedule, within fourteen (14) calendar days of the second missed conference;

- (b) The claimant or agency fails to participate in any stage of the hearing process, or fails to comply with an order of the hearing officer; or
- (c) The claimant decides to discontinue his or her appeal for any reason.
- (3) The hearing officer may complete a Recommended Order of Dismissal in accordance with Section ~~14~~~~13~~ of this administrative regulation based on the settlement agreement or Motion to Dismiss filed with him or her in accordance with subsection (1) and (2) of this section.

Section 10.~~Section 9.~~ Notice of Administrative Hearing. The agency shall notify the affected person of the date, time, and location of the administrative hearing in accordance with KRS 13B.050(2). The notice shall provide the details about the hearing required by KRS 13B.050(3).

Section 11.~~Section 10.~~ Administrative Hearing.

- (1) Administrative hearings shall be held at the retirement office in Frankfort or by secure video teleconference.
- (2) Administrative hearings shall be conducted in accordance with KRS 13B.010-13B.170. Evidence, testimony, motions, and objections may be introduced during the administrative hearing, and shall be accurately and completely recorded by the agency. The hearing officer may issue subpoenas in accordance with KRS 13B.080(3).
- (3) The hearing officer presiding over an administrative hearing shall not be bound by factual or legal findings of other state or federal agencies.
- (4) Decisions in administrative hearings shall be based on a preponderance of evidence in the record as it relates to the substantial impairment. The party's burden of proof shall be assigned as established in KRS 13B.090(7).
 - (a) For determinations pursuant to KRS 61.598(2), the agency shall bear the burden of proof to show the propriety of the agency's final determination that the member's creditable compensation ~~shall~~~~should~~ be reduced and that no exception as set forth in KRS 61.598(4) applies.
 - (b) For determinations pursuant to KRS 61.598(5), the employer shall bear the burden of proof to show that the increase in the employee's creditable compensation was the result of a bona fide promotion or career advancement.
- (5)
 - (a) The hearing officer may place the case on hold to allow either party additional time to submit further evidence discussed at the hearing. If this occurs, a deadline to file the additional evidence shall be provided by the hearing officer.
 - (b) The hearing officer may schedule a status conference to follow up on cases held for further evidence.

Section 12.~~Section 11.~~ Close of Evidentiary Record.

- (1) The hearing officer shall close the evidentiary record once all evidence has been filed.
- (2) After the evidentiary record has been closed, the hearing officer, ~~or~~ DAC, ~~or~~ AAC may order the evidentiary record reopened for the submission of additional evidence.

Section 13.~~Section 12.~~ Briefing Order.

- (1)
 - (a) After the close of the evidentiary record, each party shall have the opportunity to simultaneously file Position Statements. The parties shall further have the opportunity to simultaneously file a Reply Position Statement to the other party's Position Statement.
 - (b) The hearing officer shall issue a Briefing Order that details deadlines for filing each of the following:
 - 1. Position Statements;
 - 2. Reply Position Statements; and
 - 3. The Recommended Order, the due date for which shall not exceed sixty (60) calendar days from the deadline for the Reply Position Statements.
- (2) The hearing officer shall take the Position Statements and Reply Position Statements provided in accordance with subsection (1) of this section into consideration when completing the Recommended Order in accordance with Section ~~14~~~~13~~ of this administrative regulation.

Section 14.~~[Section 13.]~~ ~~[Section 5.]~~Recommended Order.

(1)

(a) The hearing officer shall submit a Recommended Order to the board that contains a recitation of the evidence, the appropriate findings of fact, and conclusions of law.

(b) The hearing officer's findings of fact and conclusions of law shall be based upon the evidentiary record as a whole.

(c) The hearing officer's findings of fact shall include a finding concerning the credibility of each witness whose testimony is included in the evidentiary record.~~[The hearing officer shall make a report and a recommended order to the board. The report and recommended order shall contain the appropriate findings of fact and conclusions of law. The hearing officer shall mail postage prepaid, a copy of his report and recommended order to all parties. The parties may file exceptions to the report and recommended order. There shall be no other or further submissions.]~~

(2)

(a) The agency's Executive Director of the Office of Benefits shall approve or deny hearing officer requests for an extension time to file his or her Recommended Order.

(b) If any extension of time is granted for a hearing officer to complete his or her Recommended Order, the agency shall notify the claimant or his or her legal representative when the extension is granted. Each extension shall not exceed thirty (30) calendar days. The hearing officer may request multiple extensions in the same administrative case.

(3) A copy of the hearing officer's Recommended Order shall:

(a) Be mailed by first-class U.S. mail; or, ~~if permitted by law,~~

(b) Electronically~~[electronically]~~ mailed through the agency portal to any party that provides written consent~~[all parties]~~.

(4) Each party may file written exceptions to the Recommended Order detailing any issue the party has with the Recommended Order no later than the end of day fifteen (15) calendar days from the date the Recommended Order was mailed by first class U.S. mail or, if permitted by law, electronically mailed through the agency portal.

Section 15.~~[Section 14.]~~ ~~[Section 6.]~~Board Findings.

(1) The DAC and AAC shall have the authority to act upon the Recommended Order on behalf of the board pursuant to this section and in accordance with KRS 13B.120, 61.615, 61.645, 61.665, 78.545, 78.5528, and 78.782.~~[The board shall consider an act on the recommended order in accordance with KRS 13B.120.]~~

(2)

(a) The DAC or AAC shall have ninety (90) calendar days from the date of the Recommended Order to provide a Final Order of the board.

(b) A Final Order of the board shall be based on substantial evidence appearing in the record as a whole and shall set forth the decision of the board and the facts and law upon which the decision is based.

(c) The DAC or AAC shall act in accordance with KRS 13B.120 regarding the Recommended Order.

Section 16.~~[Section 15.]~~ ~~[Section 7.]~~Notification of Findings.

(1) All parties shall be provided with the Final Order of the board.

(2)

(a) The Final Order of the board shall be provided to the claimant or his or her legal representative by certified mail in accordance with KRS 13B.120. The agency shall immediately enter the fact of mailing in the record.

(b) Service by certified mail is complete upon delivery of the envelope. The return receipt shall be proof of the time, place, and manner of service. The agency shall document and file the return receipt when it is received.

(c) If the envelope is returned with an endorsement showing failure of delivery, that fact shall be documented in the record, and the returned envelope shall be filed in the record. The agency shall make at least one (1) additional attempt to provide the Final Order of the board to the affected person or his or her legal representative by certified mail documenting and filing the outcome in accordance

~~with this subsection. [The system shall mail the final decision of the board to the affected person or his legal representative. If any extension of time is granted by the board for a hearing officer to complete his report, the system shall notify the affected person or his legal representative when the extension is granted.]~~

~~[Section 8.] [A final order of the board shall be based on substantial evidence appearing in the record as a whole and shall set forth the decision of the board and the facts and law upon which the decision is based.]~~

~~[Section 9.] [Formal hearings shall be held at the system's office in Frankfort unless another location is determined by the hearing officer.]~~

~~[Section 10.] [All requests for a hearing pursuant to this section shall be made in writing.]~~

~~[Section 11.] [The board may establish an appeals committee whose members shall be appointed by the chairman and who shall have the authority to act upon the recommendations and reports of the hearing officer pursuant to this section on behalf of the board.]~~

Section 17.~~Section 16.~~ Supplemental Copies of an Administrative Record.

(1) A claimant, or his or her attorney, may request a supplemental paper copy of all or part of the administrative record at a rate of ten (10) cents per page, cost of postage, and staff time to process the request consistent with KRS 61.874, if the claimant, or his or her attorney:

- (a) Originally received a paper copy of the administrative record;
- (b) Met an exemption to receive a paper copy of the administrative record under Section 3 of this administrative regulation; or
- (c) No longer has access to the agency portal.

(2) The claimant, or his or her attorney, may request a supplemental copy of all or part of the administrative record on an approved data storage device. Supplemental copies shall be provided at the following rates, if the claimant, or his or her attorney met one (1) of the requirements identified in subsection (1)(a)-(c) of this section:

- (a) Ten (10) dollars for each approved data storage device;
- (b) Cost of postage; and
- (c) Staff time to process the request consistent with KRS 61.874.

(3)

(a) The supplemental copy of the administrative record shall not be mailed or otherwise provided to the claimant, or his or her attorney, until the applicable fees described in subsection (1) or (2) of this section are paid in full.

(b) The agency shall provide the amount of the cost for the applicable supplemental copy in accordance with subsection (1) or (2) of this section to the claimant, or his or her attorney.

(c) Payment for the supplemental copy shall be made by check or money order for the full amount owed and made payable to the Kentucky State Treasurer. The payment shall be mailed or delivered in-person to the retirement office.

Section 18.~~Section 17.~~ ~~[Section 12.]~~ Judicial Review. Any affected person aggrieved by a Final Order~~[final order]~~ of the board may seek judicial review after all administrative appeals have been exhausted by filing suit in the Franklin Circuit Court within the time period prescribed in KRS 13B.140.

~~[Section 13.] [Any proposed order or order shall be served by one (1) of the following methods:]~~

~~[(1)] [The system may place a copy of the document to be served in an envelope, and address the envelope to the affected person to be served at the address of the affected person existing in the system files or at the address set forth in written instructions furnished by the affected person or his legal representative. The system shall affix adequate postage and place the sealed envelope in the United States mail as certified mail return receipt requested. The system shall immediately enter the fact of mailing in the record and make entry when the return receipt is received. If the envelope is returned~~

~~with an endorsement showing failure of delivery, that fact shall be entered in the record. The system shall file the return receipt or returned envelope in the record. Service by certified mail is complete upon delivery of the envelope. The return receipt shall be proof of the time, place, and manner of service.]~~
~~[(2)] [The system may cause the document, with necessary copies, to be transferred for service to any person authorized by the board or by any statute or rule to deliver them, who shall serve the documents, and the endorsed return shall be proof of the time and manner of service.]~~
~~[(3)] [The methods of service specified in this section shall be supplemental to and shall be accepted as an alternative to any other method of service specified by other applicable law.]~~

Section 19.~~**Section 18.**~~ Incorporation by Reference.

- (1) Form 2940, "Agency Portal Exemption", updated June 2023, is incorporated by reference.
- (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 agency Web site at kyret.ky.gov.

CONTACT PERSON: Jessica Beaubien, Policy Specialist, Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, Kentucky 40601, phone (502) 696-8800 ext. 8570, fax (502) 696-8615, email Legal.Non-Advocacy@kyret.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

At the time that it files this staff suggested amendment, the agency needs to file one (1) clean, corrected copy of an RIA that:

- Fully answers question 9 as to why tiering is not applied
- Is paginated as Pages 2-3

REGULATORY IMPACT ANALYSIS
AND TIERING STATEMENT

Regulation number: 105 KAR 1:215
Contact person: Jessica Beaubien
Phone number: 502-696-8800 ext. 8570
Email: Legal.Non-Advocacy@kyret.ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the administrative appeal procedures for an affected person whose retirement benefits have been denied, reduced, or discontinued.

(b) The necessity of this administrative regulation: This amended administrative regulation is necessary in order to include policy and procedures that were not found in the previous version, and to require the use of the agency portal except when an affected individual meets an exemption.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate all administrative regulations on behalf of the Kentucky Retirement Systems and the County Employee Retirement System that are consistent with KRS 16.510 to 16.652, 61.510 to 61.705, and 78.510 to 78.852. KRS 61.645(16) and 78.782(16) provide that an affected person aggrieved by a decision of the system, which is not a determination relating to disability retirement benefits, may have the right to request an administrative hearing prior to the filing of an appeal in court. KRS 61.615(3), 61.665(3), 78.545 and 78.5528(3) provide that an affected person whose disability retirement benefits have been denied, reduced, or discontinued may have the right to request an administrative hearing prior to filing of an appeal in court.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This amended administrative regulation will allow KPPA to effectively administer administrative hearings through an electronic agency portal, and for affected individuals to have a clear set of procedures.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amended administrative regulation adds procedures that were not found in the previous version and details on the use and requirements of the agency portal.

(b) The necessity of the amendment to this administrative regulation: This amended administrative regulation is necessary in order to include policy and procedures that were not found in the previous version, and to require the use of the agency portal except when an affected individual meets an exemption.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate all administrative regulations on behalf of the Kentucky Retirement Systems and the County Employee Retirement System that are consistent with KRS 16.510 to 16.652, 61.510 to 61.705, and 78.510 to 78.852. KRS 61.645(16) and 78.782(16) provide that an affected person aggrieved by a decision of the system, which is not a determination relating to disability retirement benefits, may have the right to request an administrative hearing prior to the filing of an appeal in court. KRS 61.615(3), 61.665(3), 78.545 and 78.5528(3) provide that an affected person whose disability retirement benefits have been denied, reduced, or discontinued may have the right to request an administrative hearing prior to filing of an appeal in court.

(d) How the amendment will assist in the effective administration of the statutes: This amended administrative regulation will assist in the effective administration of KRS 61.615(3),

61.645(16), 61.665(3), 78.545, 78.5528(3), and 78.782(16) by detailing the administrative appeals process and procedures, and by providing the requirements for the agency portal.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation does not affect businesses, organizations, or state and local governments except for the KPPA. It is unknown how many individuals this administrative regulation affects because it is unknown how many individuals will file an appeal in the future.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: KPPA already has the agency portal built and in use. KPPA is already in compliance with this amended administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Nothing.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The reduction of paper and cost of mailing.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: Minimal.

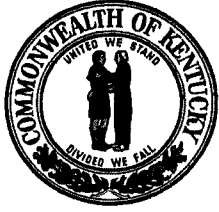
(b) On a continuing basis: Minimal.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Administrative expenses of the Kentucky Public Pensions Authority are paid from the Retirement Allowance Account (trust and agency funds).

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in fees or funding will not be necessary to implement this amended administrative regulation.

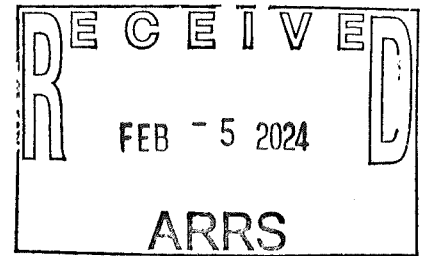
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation establishes fees for requested supplemental copies of an administrative record in certain instances.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied. All entities are subject to the same processes and procedures.



State Board of Accountancy

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



Joseph P. Donohue
Executive Director

February 5, 2024

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 KY 40601

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

Dear Co-Chairs West and Lewis:

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

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

Sincerely,

Joseph P. Donohue, Executive Director
Kentucky State Board of Accountancy
332 W. Broadway, Suite 310
Louisville, KY 40202

Enc.

cc: Carrie Nichols (via email)

Final, 1-17-2024

STAFF-SUGGESTED AMENDMENT

BOARDS AND COMMISSIONS
Board of Accountancy

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

Page 1

RELATES TO

Line 5

After "KRS", insert "325.261".

After "325.270", delete ", 325.261".

Page 6

Section 4(2)(a)1.e.

Line 11

After "Colleges and Schools;", insert "or".

Page 6

Section 4(2)(a)1.f.

Line 12

After "Schools and Colleges;", delete "or".

Page 6

Section 4(2)(a)2.

Line 14

After "listed in", insert "subparagraph".

Delete "paragraph (a)".

After "1. of this", insert "paragraph".

Line 15

Delete "subsection", immediately following.

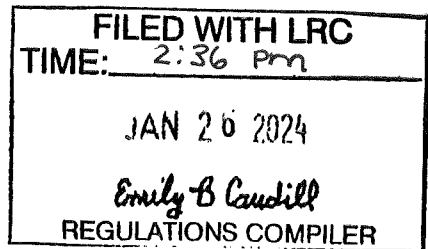
Line 16

After "specified in", insert "subparagraph".

Delete "paragraph (a)".

After "1. of this", insert "paragraph".

Delete "subsection", immediately following.



KENTUCKY BOARD OF MEDICAL LICENSURE

Andy Beshear
GOVERNOR

Hurstbourne Office Park
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222

www.kbml.ky.gov
(502) 429-7150

January 24, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
Legislative Research Commission
083, Capitol Annex
702 Capitol Avenue
Frankfort, KY 40601

RE: 201 KAR 9:067. Professional standards and procedures for medicinal cannabis practitioners.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 9:067, the Kentucky Board of Medical Licensure proposes the attached amendments to 201 KAR 9:067.

Sincerely,

A handwritten signature in black ink, appearing to read "Leanne K. Diakov".

Leanne K. Diakov
General Counsel

TEAM
KENTUCKY™

An Equal Opportunity Employer M/F/D

Staff-suggested Amendment

**General Government Cabinet
Kentucky Board of Medical Licensure
(Amended After Comments)**

201 KAR 9:067. Professional standards and procedures for medicinal cannabis practitioners.

Page 2

Section 1(4)(d)

Line 10

After "supplying", insert "L".

Page 2

Section 1(5)

Lines 12 and 13

After "stepchild, stepbrother", insert "L".

After "brother-in-law", insert "L".

Page 3

Section 2

Line 11

After "to a licensee", insert the following:

who recommends treatment with cannabis or a drug derived from cannabis

Page 3

Section 3(3)

Line 19

After "registered to use", delete "any and".

Page 5

Section 4(2)(c)

Line 9

After "initial application", insert "shall not".

Delete "cannot".

Page 7

Section 6(2)(c)

Line 12

After "medicinal cannabis", insert "L".

Delete "and".

After "drug interactions", insert the following:

, and indications of cannabis use disorder

Page 7

Section 6(3)(c)

Line 18

After "medicinal cannabis", insert "L".

Delete "and".

After "drug interactions", insert the following:

, and indications of cannabis use disorder

Page 8

Section 7(1)

Line 1

After "KRS 311.595 or", insert "committed".

Page 8

Section 7(3)

Line 10

After "at any time", delete "that".

Page 11

Section 8(4)(c)

Line 4

After "practitioner shall", insert "recommend".

Delete "require".

Page 12

Section 8(4)(f)3.

Line 3

After "medicinal cannabis", insert "practitioner".

Delete "practitioner's".

Page 12

Section 8(4)(g)

Lines 6 and 14

After "to conform to", insert "the".

After "patient if the", insert "patient's".
Delete "patient".

Page 12

Section 9(1)(a)

Line 19

After "Cannabis"", insert ",09/2023".

Page 12

Section 9(1)(b)

Line 21

After "Medicinal Cannabis", delete ".".

After "Cannabis"", insert ",09/2023.".

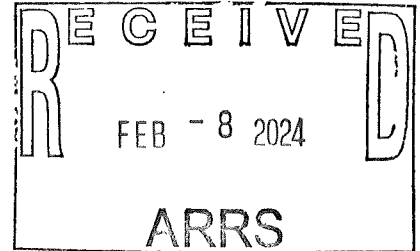
502-429-3300
800-305-2042
Fax: 502-429-1245

KENTUCKY BOARD OF NURSING

312 Whittington Parkway, Suite 300
Louisville, Kentucky 40222-5172
kbn.ky.gov



Andy Beshear
Governor



February 8, 2024

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

Re: 201 KAR 20:057. Scope and standards of practice of advanced practice registered nurses.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:057, the Kentucky Board of Nursing proposes the attached staff suggested amendment to 201 KAR 20:057.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey R. Prather".

Jeffrey R. Prather, General Counsel
Kentucky Board of Nursing
312 Whittington Parkway, Suite 300
Louisville, KY 40222
Phone: (502) 338-2851
Email: Jeffrey.prather@ky.gov

Final, 1-30-2024

STAFF-SUGGESTED AMENDMENT – Amended After Comments Version

**BOARDS AND COMMISSIONS
Board of Nursing**

201 KAR 20:057. Scope and standards of practice of advanced practice registered nurses.

Page 1

RELATES TO

Line 5

After "314.011(7), (8),", insert "314.039".

Line 6

After "314.195", insert ", 314.475".

Page 2

Section 1(1)

Lines 3-4

After "between the advanced practice registered nurse", insert "(APRN)".

Lines 5-6

After "decision-making, with the", delete "advanced practice registered nurse (".

Line 6

After "APRN", delete ").

Page 2

Section 1(5)

Line 14

After "family", insert "member".

Page 4

Section 3(2)

Line 5

After "APRN's licensure", insert "shall".
Delete "must".

Page 4

Section 3(3)

Line 9

After "shall meet", delete the comma.

Page 4

Section 3(3)(a)2.

Line 16

After "summary of", insert "the".

Page 4

Section 3(3)(a)3.

Line 17

After "recommendations made", insert "that".

Page 5

Section 3(4)

Lines 3-4

After "least quarterly", insert a period.

Delete "; and".

Page 6

Section 6(1)(b)

Lines 1-2

After "CAPA-NS Agreement", insert "Form".

Page 6

Section 6(1)(c)

Line 3

After "CAPA-CS", insert "Agreement".

Page 6

Section 6(2)(a)

Line 5

After "notification", insert the following:

as established in paragraph (e) of this subsection

Page 6

Section 6(2)(b)

Line 9

After "notification", insert the following:

as established in paragraph (e) of this subsection

Page 6

Section 6(2)(c)

Line 11

After "notification", insert the following:

as established in paragraph (e) of this subsection

Page 6

Section 6(2)(d)

Line 16

After "listed fee in", delete "administrative regulation".

Page 6

Section 6(2)(e)

Line 19

After "(e)", insert "Each notification, rescission".

Delete "All notifications, rescissions".

After "and exemption", insert "request".

Delete "requests".

Line 21

After "required by", insert "subsection".

Delete "subsections".

After "(1)", delete "and (2)".

After "of this section", insert "and this subsection".

Page 7

Section 6(2)(f)

Line 1

After "request by the", lowercase the first letter of "Board".

Line 2

After "CAPA-NS Agreement", insert "Form".

Page 8

Section 7(1)(a)

Line 18

After "review request", insert "on".

After "the board's" insert "Web site".

Delete "website".

Page 10

Section 7(6)

Lines 13-14

After "board imposes", insert "the".

Delete "such a".

Page 10

Section 7(7)

Line 16

After "KRS", insert "Chapter".

Line 19

After "costs pursuant to", delete "administrative regulation".

Page 11

Section 8

Line 4

After "unless" insert a colon.

Delete the semicolon.

Page 11

Section 8(2)

Lines 8-9

After "exemption by the", lowercase the first letter of "Board".

Page 11

Section 9

Line 11

After "to determine if", delete "the".

Page 19

Section 11

Line 4

After "Immediate Family", insert "Member".

Page 19

Section 11(2)

Line 7

After "family", insert "member".

Page 20

Section 12(1)(b)

Line 3

After "(b)", and the opening quotation marks, insert "AACN".

Delete "ACCN".

Page 21

Section 12(2)

Lines 18-19

After "Web site at", insert the following:

<https://kbn.ky.gov/document-library/Pages/default.aspx>

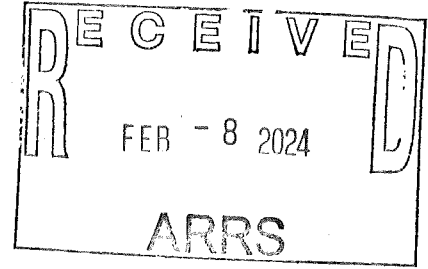
Delete the following:

<https://kbn.ky.gov/General/Pages/Document-Library.aspx>

502-429-3300
800-305-2042
Fax: 502-429-1245

KENTUCKY BOARD OF NURSING
312 Whittington Parkway, Suite 300
Louisville, Kentucky 40222-5172
kbn.ky.gov

Andy Beshear
Governor



February 8, 2024


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

Re: 201 KAR 20:067. Professional standards for medicinal cannabis.

Dear Co-Chairs West and Lewis:

After discussions with Adminstrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:067, the Kentucky Board of Nursing proposes the attached suggested substitute to 201 KAR 20:067.

Sincerely,


Jeffrey R. Prather, General Counsel
Kentucky Board of Nursing
312 Whittington Parkway, Suite 300
Louisville, KY 40222
Phone: (502) 338-2851
Email: Jeffrey.prather@ky.gov

SUGGESTED SUBSTITUTE – Amended After Comments Version

BOARDS AND COMMISSIONS
Board of Nursing

201 KAR 20:067. Professional standards for medicinal cannabis.

RELATES TO: KRS 211.332, 218B.010, 218B.015, 218B.050, 218B.080, 314.011, 314.042, 314.085, 314.089, 314.091

STATUTORY AUTHORITY: KRS 218B.010, ~~[218B.015,]~~218B.050, ~~[218B.080,]~~314.131

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131 authorizes the board to promulgate administrative regulations to regulate the conduct of its licensees. KRS 218B.050(10) requires the board to promulgate administrative regulations to establish the procedures, process, and conditions for authorization to provide written certifications, continuing education requirements for medical cannabis practitioners, and minimal standards of care. This administrative regulation establishes the professional standards for an APRN[APRNs] practicing as a medicinal cannabis practitioner.

Section 1. Definitions.

- (1) "Advanced Practice Registered Nurse" or "APRN" is defined by KRS 314.011(7).
- (2) "Authorization" means a credential that authorizes the APRN to provide written certifications under KRS 218B.050 and this administrative regulation.
- (3) "Bona fide practitioner-patient relationship" is defined by KRS 218B.010(1).
- (4) "Cabinet" is defined by KRS 218B.010(2)[means the Cabinet for Health and Family Services].
- (5) "Controlled substance" means any Schedule II, III, IV, or V controlled substance and does not include medicinal cannabis.
- (6) "Good standing" means a license that at the time of initial application or renewal, is not:
 - (a) Limited, suspended, probated, revoked, or otherwise disciplined;
 - (b) Under investigation;
 - (c) Subject to monitoring, alternative discipline, or peer assistance; or
 - (d) Held by a person who has ever been subject to disciplinary action by any licensing entity, including the board of any jurisdiction or the United States Drug Enforcement Administration (DEA) that was based, in whole or in part, on the person's inappropriate prescribing, personally furnishing, dispensing, diverting, administering, supplying, or selling a controlled substance or other dangerous drug.
- (7) "Immediate family member" is defined by 201 KAR 20:057, Section 1(5).
- (8) "Medicinal cannabis" is defined by KRS 218B.010(15).
- ~~(9)[(8)]~~ "Medicinal cannabis practitioner" means an APRN who is holds an authorization under this administrative regulation.
- ~~(10)[(9)]~~ "Minor" is defined by KRS 218B.010(19)[means a person less than eighteen (18) years of age].
- ~~[(10) "Immediate family member" is defined by 201 KAR 20:057, Section 1(5).]~~
- (11) "Prescription Drug Monitoring Program" or "PDMP" is defined by 201 KAR 20:057, Section 1(11).
- (12) "Qualified patient" is defined by KRS 218B.010(25) ["Qualifying medical condition" is defined by KRS 218B.010(26)].
- (13) "Qualifying medical condition" is defined by KRS 218B.010(26) ["Qualified patient" is defined by KRS 218B.010(25)].
- (14) "Telehealth" is defined by KRS 211.332(5).
- (15) "Use of medicinal cannabis" is defined by KRS 218B.010(37).
- (16) "Written certification" means a written certification for the use of medicinal cannabis and is defined by KRS 218B.010(39).

Section 2. Applicability. The procedures and standards established in this administrative regulation ~~shall[does]~~ not apply to an APRN who recommends treatment with cannabis or a drug derived from cannabis in accordance with KRS 218B.050(11)~~under any of the following that are approved by an investigational review board or equivalent entity, the United States Food and Drug Administration, or the National Institutes for Health or any of its cooperative groups or centers under the United States Department of Health and Human Services:~~

- ~~(1) A research protocol;~~
- ~~(2) A clinical trial;~~
- ~~(3) An investigational new drug application; or~~
- ~~(4) An expanded access submission].~~

Section 3. Eligibility for an Authorization to provide written certifications.

(1) An APRN applicant for an authorization pursuant to KRS 218B.050 shall~~meet the following requirements~~:

- (a) ~~Hold[Holds]~~ an active, unrestricted Kentucky license as an APRN that is in good standing;
- (b) ~~Have[Has]~~ a valid DEA registration and a current registration certificate is on file with the board;
- (c) ~~Have[Has]~~ an active account with the PDMP with[,] a current PDMP registration certificate ~~[is-]on~~ file with the board;
- (d) ~~Have[Has]~~ not been denied a license to prescribe, possess, dispense, administer, supply, or sell a controlled substance by the DEA or appropriate issuing body of any state or jurisdiction, based, in whole or in part, on the applicant's inappropriate prescribing, personally furnishing, dispensing, administering, supplying, or selling a controlled substance or other dangerous drug;
- (e) ~~Have[Has]~~ not held a license issued by the DEA or a state licensing administration in any jurisdiction, under which the person may prescribe, personally furnish, dispense, possess, administer, supply, or sell a controlled substance, that has ever been restricted, based, in whole or in part, on the applicant's inappropriate prescribing, dispensing, administering, supplying, or selling a controlled substance or other dangerous drug;
- (f) ~~Have[The applicant has]~~ not been subject to disciplinary action by any licensing entity that was based, in whole or in part, on the applicant's inappropriate prescribing, personally furnishing, dispensing, diverting, administering, supplying, or selling a controlled substance or other dangerous drug; ~~[and]~~
- (g) ~~Have[The applicant has]~~ completed the continuing education requirements in Section 6 of this administrative regulation; ~~[and,]~~
- (h) ~~Have[The applicant has]~~ no ownership or investment interest in or compensation agreement with a cannabis business licensed under KRS Chapter 218B.

(2) The board shall provide the cabinet with the names of all APRNs authorized to provide written certifications.

(3) An APRN who fails to renew the authorization or is otherwise unable to legally practice as a registered nurse or APRN shall not practice as or use the title of medicinal cannabis practitioner until an authorization has been issued by the board.

(4) An APRN shall not provide written certifications unless authorized to do so under this section.

(5) It is not within the scope of practice for an APRN to provide written certifications, unless the APRN is authorized to do so under this section.

(6) The board shall notify the cabinet immediately with the name of any APRN whose authorization is lapsed, surrendered, suspended, revoked, or otherwise not renewed.

Section 4. Procedures for submitting an initial or renewal application for authorization to provide written certifications.

(1) An applicant for a certificate to recommend medicinal cannabis shall:

- (a) Submit to the board an ~~[Application for]~~ Authorization to Provide Written Certifications for the Use of Medicinal Cannabis -Initial Application or Renewal Application;
- (b) Submit to the board a copy of the APRN's DEA registration certificate;
- (c) Submit a copy of the PDMP master account registration certificate to the board;

- (d) Submit proof of completion of the education requirements in Section 6(1) of this administrative regulation; and
 - (e) Pay a nonrefundable fee of \$100.
- (2) An application shall be considered complete if ~~if all the following requirements are met~~:
- (a) Evidence of all the requirements in subsection (1) of this section are received by the board; and
 - (b) The APRN is not under investigation pursuant to 201 KAR 20:161 of evidence appearing to show that the applicant has violated KRS 314.091(1).
- (3) Upon receipt of the application:
- (a) The board shall review all application materials submitted; ~~and~~
 - (b) The board may contact individuals, agencies, or organizations for information about the applicant. As part of the application process, the board may request an applicant to appear before the board to answer questions or provide additional information.
- ~~[(c) An applicant shall not withdraw an Application for the Authorization to Provide Written Certifications without the approval of the board.]~~
- (4) The following processes apply if an application is not complete within (6) six months of the date the application is received by the board:
- (a) If the application is not complete because required information or materials have not been received by the board, the board may notify the applicant in writing that it intends to consider the application abandoned if the application is not completed. If an application is abandoned, the board may close the application.
 - 1. The notice shall specifically identify the information or materials required to complete the application and inform the applicant that the information or materials shall be received by a specified date.
 - 2. The notice shall also inform the applicant that if the application remains incomplete at the close of business on the specified date the application may be deemed to be abandoned.
 - 3. If all of the information or materials are received by the board by the specified date and the application is determined to be complete, the board shall process the application. The board may require updated information, as it deems necessary.
 - (b) If the application is not complete because the board is investigating the applicant for a violation of KRS 314.091(1), the board shall ~~do both of the following~~:
 - 1. Notify the applicant that although otherwise complete, the application shall not be processed pending completion of the investigation; and
 - 2. Upon completion of the investigation and the determination that the applicant is not in violation of KRS 314.091(1), process the application. The board may require updated information, as it deems necessary.
- (5) Once submitted, the ~~[Application for]~~ Authorization to Provide Written Certifications for the Use of Medicinal Cannabis, either the Initial Application or Renewal Application, shall follow the periods for length and renewal in accordance with 201 KAR 20:085, Sections 1 and 2.
- (6) An applicant shall not withdraw an Initial or Renewal Application for Authorization to Provide Written Certifications for the Use of Medicinal Cannabis without the approval of the board.
- (7) All supporting documentation required under this section shall be submitted via the KBN Nurse Portal at <https://kbn.ky.gov>.

Section 5. Renewal and Lapse of the Authorization.

- (1) If the APRN fails to renew the authorization in accordance with 201 KAR 20:085, Sections 1 and 2, the authorization shall lapse.
- (2) If the APRN fails to timely renew the authorization, the APRN may reapply as an initial applicant in accordance with the procedures set forth in Section 4 of this administrative regulation.
- (3) The authorization may be renewed after an APRN's license to practice ~~is~~ has been renewed or restored, if the APRN:
 - (a) Meets the requirements in Section 3 of this administrative regulation;
 - (b) Pays a nonrefundable fee of \$100; and
 - (c) Has completed the continuing education requirements in Section 6(2) of this administrative regulation.

(4) All supporting documentation required under this section shall be submitted via the KBN Nurse Portal at <https://kbn.ky.gov>.

Section 6. Continuing Education.

(1) An applicant for an initial authorization shall have completed within the immediate twelve (12) months a one **(1)** [-]time requirement of six (6) contact hours **[within-]** in the following subjects:

- (a) Diagnosing qualifying medical conditions;
- (b) Treating qualifying medical conditions with medicinal cannabis; **[and]**
- (c) The pharmacological characteristics of medicinal cannabis and possible drug interactions; **and**
- (d) Indications of cannabis use disorder.**

(2) Thereafter, an APRN renewing the authorization shall have obtained during the earning period three (3) continuing education hours in the subjects listed in subsection (1) of this section.

Section 7. Sanctions.

(1) The board may probate, restrict, suspend, revoke, or otherwise discipline an APRN's license or credential to issue authorizations for violations of KRS 314.091(1), or violations in accordance with KRS 218B.015(3)(b).

(2) An investigation against the APRN under this administrative regulation shall be conducted in accordance with 201 KAR 20:161.

(3) A disciplinary proceeding against the APRN under this administrative regulation shall be conducted in accordance with KRS 314.091 and 201 KAR 20:162.

(4) APRN may be ordered by the board to undergo a substance use evaluation **or[and]** be subject to an immediate temporary suspension, in accordance with KRS 218B.015(4), 314.085, and 314.089.

Section 8. Professional Standards of Care for Providing Written Certifications.

(1) An APRN authorized by the board to provide written certifications may only provide a **qualified** patient with a written certification after the APRN **has complied with the requirements established by KRS 218B.050(4):**

~~(a) Has established a bona fide practitioner-patient relationship with the patient in an in-person visit that complies with this administrative regulation and for which there is an expectation that the APRN will provide a plan of care for the patient;~~

~~(b) Has diagnosed the patient, or confirmed a diagnosis provided by another medicinal cannabis practitioner, with a qualifying medical condition for which the medicinal cannabis practitioner believes that the patient may receive therapeutic or palliative benefit from the use of medicinal cannabis;~~

~~(c) Has reviewed a report of information from the PDMP related to the patient for a period of time that covers at least the twelve (12) months immediately preceding the date of the report;~~

~~(d) Consulted with the patient, or the patient's custodial parent or legal guardian responsible for providing consent to treatment if the patient is a minor child, with respect to the possible risks and side effects associated with medicinal cannabis, including possible interactions between medicinal cannabis and any other drug or medication that the patient is taking at that time; and~~

~~(e) Obtained the written consent of the patient's custodial parent or legal guardian responsible for providing consent to treatment, if the patient is a minor child].~~

(2) A bona fide practitioner-patient relationship may be established **pursuant to KRS 218B.050(5)** ~~[following a referral from the patient's primary care provider and may be maintained via telehealth. However, a bona fide practitioner-patient relationship shall not be established via telehealth].~~

(3) **An APRN shall comply with the written certification requirements established in KRS 218B.050(6)** ~~[(a) When issuing a written certification to a patient, the APRN shall use the Cabinet's Written Certification Form in accordance with KRS 218B.050(6);~~

~~(b) An initial written certification shall be provided during the course of an in-person examination of the patient by the APRN. Subsequent written certifications, including for the~~

~~purpose of renewing a registry identification card, may be provided electronically or during the course of a telehealth consultation.~~

~~(c) For the purpose of applying for a registry identification card, a written certification provided under this section shall:~~

- ~~1. Be valid for a period of not more than sixty (60) days;~~
- ~~2. The APRN may renew a written certification for not more than three (3) additional periods of not more than sixty (60) days each; and~~
- ~~3. The APRN shall not issue another certification to the patient until an examination of the patient has been conducted by the APRN.~~

~~(d) Within twenty-four (24) hours of providing a patient with a written certification, the APRN shall record the issuance of the written certification in the PDMP].~~

(4)

(a) An APRN who provides written certifications shall comply with the professional standards established in this subsection~~[section]~~.

(b) Prior to providing a written certification, the APRN shall:

1. Obtain, review, and record a complete and appropriate evaluation of the patient, which shall include:

- a. The patient's name;
- b. Date or dates of office visits or treatments, and responses to treatments;
- c. The patient's medical history, including relevant prescription history and diagnostic results;
- d. The patient's history of drug use, including a documented review of the patient's current medication to identify possible drug interactions, including benzodiazepines and opioids;
- e. Based on evidence or behavioral indications of addiction or drug abuse, the APRN shall obtain a drug screen on the patient. It is within the APRN's discretion to decide the nature of the screen and which type of drug to be screened;
- f. The patient's social and family history;
- g. A physical examination relevant to the current medical condition;
- h. The patient's psychiatric history;
- i. A focused physical examination of the patient relevant to the patient's current medical condition;
- j. Documented review that standard medical treatment has been attempted or considered. If standard medical treatment is not attempted, the APRN shall document the reasons that standard medical treatment is not appropriate for this patient;
- k. The APRN's diagnosis of the qualified patient's qualifying medical condition; and
- l. If the patient has been previously diagnosed with a qualifying medical condition by another health care [healthcare] provider pursuant to KRS 218B.050/314.050(4)[a medicinal cannabis practitioner], the APRN may confirm the diagnosis if:

(i) The APRN obtains a copy of the medical records or a detailed written summary indicating the diagnosis; ~~[and]~~

(ii) The APRN is satisfied that those records confirm a diagnosis of a qualifying condition; ~~[and]~~

(iii) The APRN maintains~~[shall maintain]~~ a copy of any record or report of any medicinal cannabis practitioner on which the practitioner relied for purposes of meeting the requirements under this paragraph; ~~[and]~~

(iv) The APRN documents~~[Document]~~ a plan to obtain the patient's consent ~~[in order]~~ to obtain and discuss the patient's prior medical records within thirty (30) days of initiating treatment. Upon receipt of the medical records, the APRN shall review and incorporate the information from the records into the evaluation and treatment of the patient. If the APRN is unable, despite best efforts, to obtain the patient's prior medical records, the APRN shall document those efforts in the patient's chart; ~~[and]~~

(v) The APRN obtains~~[Obtain]~~ and reviews~~[review]~~ a PDMP report for that patient for the twelve (12) month period immediately preceding the initial patient encounter and appropriately utilizes~~[utilize]~~ that information in the evaluation and treatment of the patient;

(vi) The APRN explains~~[Explain]~~ treatment alternatives, the risks, and the benefits of medicinal cannabis with the patient;

(vii) The APRN obtains~~[Obtain]~~ written informed consent from the patient for treatment;

(viii) ***The APRN discusses***~~[Discuss]~~ and ***documents***~~[document]~~ the patient's treatment with the patient's other providers; ***and***

(ix) ~~[[~~The patient is a female of childbearing potential and age, ***and meets***~~[meet]~~ the requirements of subparagraph 2. of this paragraph.

2.

a. Prior to initiating treatment, the APRN shall ***recommend***~~[require]~~ that female patients of childbearing age submit to a pregnancy test and, if pregnant, the APRN shall provide counseling. The APRN shall document a patient's decision to decline to take a pregnancy test and the stated rationale for the patient's decision.

b. Prior to providing a written certification to a patient who is pregnant or breastfeeding, the APRN shall document the patient's decision to decline consultation referenced in this subsection, and the stated rationale for the patient's decision.

(5) The written certification shall include a statement from the APRN certifying that:

(a) A bona fide practitioner-patient relationship exists between the APRN and ***qualified*** patient.

(b) The ***qualified*** patient has been diagnosed with at least one (1) qualifying medical condition for which the APRN believes the patient may receive medical, therapeutic, or palliative benefit; and

(c) In the APRN's professional medical opinion, the ***qualified*** patient may receive medical, therapeutic, or palliative benefit from the use of medicinal cannabis.

(6) An APRN who authorizes a written certification shall be available to provide follow-up care and treatment to the ***qualified*** patient, including physical examinations relevant to the ***qualified*** patient's condition to determine the efficacy of medicinal cannabis in treating the patient's qualifying medical condition. If the qualifying condition was indicated as a terminal illness in the prior six (6) months, the APRN shall confirm whether the ***qualified*** patient's condition continues to be a terminal illness.

(7) The APRN shall terminate or decline to issue a new written certification under any of the following circumstances:

(a) The patient no longer has the diagnosis of, or symptoms of, the qualifying medical condition;~~[.]~~

(b) The APRN is not authorized to issue a written certification;~~[.]~~

(c) Based on the APRN's clinical judgement, the patient or caregiver is abusing or diverting medicinal cannabis;~~[or.]~~

(d) The ***qualified*** patient is deceased.

(8) The APRN shall notify the cabinet in writing within thirty (30) days the name of any patient for whom the APRN has terminated or declined to issue a written certification.

(9) The records required for the recommendation for a written certification may be kept with the patient's other medical records and shall be retained for at least five (5) years following the last office visit by the patient.

(10) An APRN medicinal cannabis practitioner shall not:

(a) Dispense medicinal cannabis; or

(b) Provide a written certification to an immediate family member or for himself or herself.

Section 9. Documented Deviation from Professional Standards for Providing Written Certifications. If an APRN is unable to conform to professional standards for providing written certifications set forth in this administrative regulation due to circumstances beyond the APRN's control, or the APRN makes a professional determination that it is not appropriate to comply with a specific standard, based upon the individual facts applicable to a specific patient's diagnosis and treatment, the APRN shall document those circumstances in the patient's record and only provide a written certification to the patient if the patient record appropriately justifies the providing of a written certification under the circumstances.

Section 10. Material Incorporated by reference.

(1)~~(a)~~ "~~Application for~~ Authorization to Provide Written Certifications for the Use of Medicinal Cannabis-***Initial Application***", ***01/2024; and***

(b) "Authorization to Provide Written Certifications for the Use of Medicinal Cannabis-Renewal Application", 01/2024[09/2023].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, Monday

through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Board's Web site at <https://kbn.ky.gov/document-library/Pages/default.aspx> [<https://kbn.ky.gov/General/Pages/Document-Library.aspx>].

CONTACT PERSON: Jeffrey R. Prather, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, (502) 338-2851, Jeffrey.Prather@ky.gov.

MATERIAL INCORPORATED BY REFERENCE

At the time that it files this staff suggested amendment the agency needs to file one (1) clean copy of the following:

- **“Authorization to Provide Written Certifications for the Use of Medicinal Cannabis-Initial Application”**
 - Updated with 1/2024 Edition date
 - Changed the title to clarify this is for initial applicants
- **“Authorization to Provide Written Certifications for the Use of Medicinal Cannabis-Renewal Application”**
 - Includes the 1/2024 Edition date
 - Added in where the application for renewal applicants was missing previously

Kentucky Board of Nursing

312 Whittington Parkway, Suite 300 Louisville, KY 40222-5172

License Application Type

Application Type:

General Information - Demographic Information

Salutation:

Full Legal Name Required:

Maiden Name:

Identifying information

What is your Gender?

What is your Race? (Please select All that apply):

Are you of Hispanic or Latino origin?

Contact Information

Physical / Residential address

Mailing address

Phone number

Are you a U.S. Citizen?

Required Documentation

- I have a Drug Enforcement Administration registration and a current registration certificate is on file with the board.
- I have an active account with the current electronic Prescription Drug Monitoring Program (PDMP) system for monitoring scheduled controlled substances and medicinal cannabis currently in use in Kentucky pursuant to KRS 218A.202.

Eligibility Questions

1. Has any licensing or regulatory authority in any state(s) / jurisdiction(s), other than KBN, EVER denied, limited suspended, probated, revoked, or otherwise discipline your nursing or other professional license/certification or your privilege to practice?
If "Yes", has this been previously reported to KBN? Provide State, Year and Type
2. Do you have a current investigation pending on your nursing license, other professional license/certification or your privilege to practice in any state(s)/jurisdiction(s) other than with KBN?
If "Yes", has this been previously reported to KBN? Provide State, Year and Type
3. You shall report ALL felony convictions* and provide certified court records and a detailed letter of explanation. Have you EVER been convicted of a felony?
If "Yes", has this been previously reported to KBN? Provide State, Year and Type
4. You shall report ALL misdemeanor convictions* and provide certified court records and a detailed letter of explanation. Have you EVER been convicted of a misdemeanor including DUI's
If "Yes", has this been previously reported to KBN? Provide State, Year and Type
 - if the conviction* (including DUI's) is less than five years old, you shall provide certified court records and a detailed letter of explanation.
 - if the conviction * (including DUI's) is more than 5 years old, no additional documentation is required unless requested by KBN.
5. Are you currently a participant in a state board/designee monitoring program including alternative to discipline, diversion or a peer assistance program other than KBN
If "Yes", has this been previously reported to KBN? Provide State, Year and Type

* Convictions include conditional discharge, a guilty plea pursuant to pretrial diversion, pleading no contest, nolo contendere or entered an Alford plea. KRS 314.011 (21) If you have more than two felony or misdemeanor convictions, please list each the conviction and state and year separately.

Responsibility and Accountability

All licensed nurses practicing in Kentucky must adhere to the Kentucky Nursing Laws and regulations: Kentucky Revised Statutes (KRS) Chapter 314, and Kentucky Administrative Regulations (KAR) Chapter 20, Title 201. They may be found at <https://apps.legislature.ky.gov>.

KRS 314.021(2): All individuals licensed under provisions of this chapter shall be responsible and accountable for making decisions that are based upon the individual's educational preparation and experience in nursing and shall practice nursing with reasonable skill and safety.

KRS 314.031(1): It is "unlawful for any person to call or hold herself or himself out as or use the title of nurse or to practice or offer to practice as a nurse unless licensed or privileged under the provisions of this chapter."

201 KAR 20:067, Section 6: The applicant shall meet all of the applicable continuing education course earning requirements.

Attestation Statement

- I attest that I meet all of the eligibility requirements in 201 KAR 20:067, Section 3, to be authorized to provide written certifications for the use of medicinal cannabis, including:
- I have not been denied a license or had a license restricted by the DEA or appropriate issuing body of any state or jurisdiction, based, in whole or in part, on the applicant's inappropriate prescribing, personally furnishing, dispensing, administering, supplying or selling a controlled substance or other dangerous drug;
 - I have not been subject to disciplinary action by any licensing entity that was based, in whole or in part, on the applicant's inappropriate prescribing, personally furnishing, dispensing, diverting, administering, supplying or selling a controlled substance or other dangerous drug; and
 - I have no ownership or investment interest in, or compensation agreement with, a cannabis business. See KRS Chapter 218B.

Kentucky Board of Nursing

312 Whittington Parkway, Suite 300 Louisville, KY 40222-5172

License Application Type

Application Type:

General Information - Demographic Information

Salutation:

Full Legal Name Required:

Maiden Name:

Identifying information

What is your Gender?

What is your Race? (Please select All that apply):

Are you of Hispanic or Latino origin?

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1. Has any licensing or regulatory authority in any state(s) / jurisdiction(s), other than KBN, EVER denied, limited suspended, probated, revoked, or otherwise discipline your nursing or other professional license/certification or your privilege to practice?
If "Yes", has this been previously reported to KBN? Provide State, Year and Type
2. Do you have a current investigation pending on your nursing license, other professional license/certification or your privilege to practice in any state(s)/jurisdiction(s) other than with KBN?
If "Yes", has this been previously reported to KBN? Provide State, Year and Type
3. You shall report ALL felony convictions* and provide certified court records and a detailed letter of explanation. Have you EVER been convicted of a felony?
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201 KAR 20:067, Section 6: The applicant shall meet all of the applicable continuing education course earning requirements.

Attestation Statement

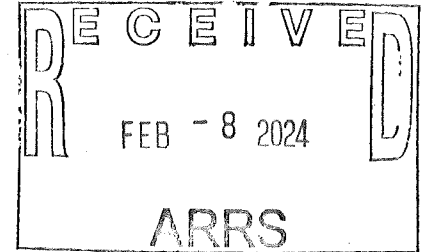
- I attest that I meet all of the eligibility requirements in 201 KAR 20:067, Section 3, to be authorized to provide written certifications for the use of medicinal cannabis, including:
- I have not been denied a license or had a license restricted by the DEA or appropriate issuing body of any state or jurisdiction, based, in whole or in part, on the applicant's inappropriate prescribing, personally furnishing, dispensing, administering, supplying or selling a controlled substance or other dangerous drug;
 - I have not been subject to disciplinary action by any licensing entity that was based, in whole or in part, on the applicant's inappropriate prescribing, personally furnishing, dispensing, diverting, administering, supplying or selling a controlled substance or other dangerous drug; and
 - I have no ownership or investment interest in, or compensation agreement with, a cannabis business. See KRS Chapter 218B.

502-429-3300
800-305-2042
Fax: 502-429-1245

KENTUCKY BOARD OF NURSING

312 Whittington Parkway, Suite 300
Louisville, Kentucky 40222-5172
kbn.ky.gov

Andy Beshear
Governor



February 8, 2024

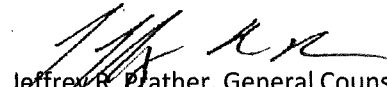
Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulation Complier
Adminstrative Regulation Review Subcommittee
Legislative Research Commission
029, Captiol Annex
Frankfort, KY 40601

Re: 201 KAR 20:215. Continuing competency requirements.

Dear Co-Chairs West and Lewis:

After discussions with Adminstrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:215, the Kentucky Board of Nursing proposes the attached staff suggested amendment to 201 KAR 20:215.

Sincerely,


Jeffrey R. Prather, General Counsel
Kentucky Board of Nursing
312 Whittington Parkway, Suite 300
Louisville, KY 40222
Phone: (502) 338-2851
Email: Jeffrey.prather@ky.gov

Final, 1-29-2024

STAFF-SUGGESTED AMENDMENT

**BOARDS AND COMMISSIONS
Board of Nursing**

201 KAR 20:215. Continuing competency requirements.

Page 5

Section 5(1)(b)

Line 12

After "as defined by", delete "administrative regulation".

Page 6

Section 5(2)

Line 10

After "and before the", insert "APRN's".

Delete "advanced practitioner's".

Page 6

Section 5(3)

Line 16

After "subsection (2) of this", insert "section".

Delete "administrative regulation".

Page 6

Section 5(3)(a)

Line 17

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

Pages 6-7

Section 5(3)(a) and (b)

Line 21 and Line 1

After "disorder; or", insert "2. a.".

Delete "(b)".

Page 7

Section 5(3)(b)

Line 2

After "substance use disorders.", insert "b.".

Line 4

After "disorders", insert "may".

Delete "can".

After "count towards", insert "an APRN".

Delete "a practitioner".

Page 7

Section 5(3)(b) and (c)

Lines 5-6

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

Delete "(c)".

Page 7

Section 5(3)(c)

Line 9

After "subsection (2) of this", insert "section".

Delete "administrative regulation".

Page 7

Section 5(6)

Line 18

After "requirement in subsection", insert "(8)".

Delete "(6)".

Page 7

Section 5(7)

Line 21

After "continuing competency", insert "requirement".

Delete "requirements".

After "in subsection", insert "(8)".

Delete "(6)".

Page 11

Section 8(2)

Lines 9-10

After "Web site at", insert the following:

<https://kbn.ky.gov/document-library/Pages/default.aspx>

Delete the following:

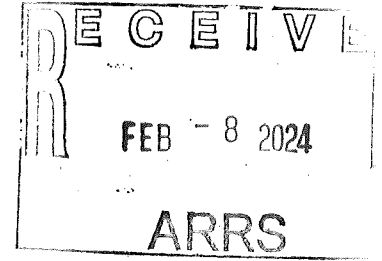
<https://kbn.ky.gov/General/Pages/Document-Library.aspx>

502-429-3300
800-305-2042
Fax: 502-429-1245

KENTUCKY BOARD OF NURSING

312 Whittington Parkway, Suite 300
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kbn.ky.gov

Andy Beshear
Governor



February 8, 2024


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

Re: 201 KAR 20:225. Reinstatement of license.

Dear Co-Chairs West and Lewis:

After discussions with Adminstrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:225, the Kentucky Board of Nursing proposes the attached suggested amendment to 201 KAR 20:225.

Sincerely,


Jeffrey R. Prather, General Counsel
Kentucky Board of Nursing
312 Whittington Parkway, Suite 300
Louisville, KY 40222
Phone: (502) 338-2851
Email: Jeffrey.prather@ky.gov

Final, 1/16/2024

STAFF-SUGGESTED AMENDMENT

**BOARDS AND COMMISSIONS
Board of Nursing**

201 KAR 20:225. Reinstatement of license.

Page 1

NECESSITY, FUNCTION, AND CONFORMITY

Line 11

After "KRS 314.041", insert "(14)".

Delete "(11)".

After "and 314.051", insert "(14)".

Delete "(11)".

Page 5

Section 2(6)(a)1.

Line 6

After "evaluation;", insert "or".

Page 5

Section 2(6)(a)2.

Line 8

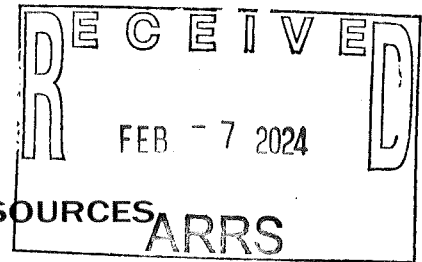
After "check good", insert a period.

Delete "; or".

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

At the time that the agency files this staff suggested amendment, it needs to file one (1) clean, corrected copy of the RIA that:

- Is paginated as pages 9-10
- Corrects its response to Question 4(b) to reference the reinstatement fee in 201 KAR 20:240, Section (1)(l) as \$135 rather than \$235.
- Fully answers Question 9 to explain why tiering is not applied.



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

February 7, 2024

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

Re: 301 KAR 5:001. Definitions for 301 KAR Chapter 5., 301 KAR 5:010. License agent applications and agreements., 301 KAR 5:020. License agent requirements and responsibilities., 301 KAR 3:100 Special Commission Permits --Recodify to 301 KAR 5:200

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 5:001, 301 KAR 5:010, 301 KAR 5:020 and 301 KAR 5:200, Kentucky Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 5:001, 5:010, 5:020 and 5:200.

Sincerely,

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 5:001. Definitions for 301 KAR Chapter 5.

RELATES TO: KRS 150.195

STATUTORY AUTHORITY: KRS 150.195

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.195 requires the department to promulgate administrative regulations. This administrative regulation establishes definitions for terms used in 301 KAR Chapter 5.

Section 1. Definitions.

(1) "Agent commission" means the fee an agent is permitted to charge in addition to the product price that represents the agent's profit for the transaction. [~~"Agent fees" means all fees established in regulation that a license agent may charge in a transaction in addition to the product price for the licenses, permits, items, or services purchased.~~]

(2) "Agent fees" means all fees established in administrative regulation that a license agent may charge in a transaction in addition to the product price for the licenses, permits, items, or services purchased. [~~"Agent commission" means the fee an agent is permitted to charge in addition to the product price that represents the agents profit for the transaction.~~]

~~(3)[(1)]~~ "Commission" is defined by KRS 150.010(6).

~~(4)[(2)]~~ "Commissioner" is defined by KRS 150.010(7).

~~(5)[(3)]~~ "Department" is defined by KRS 150.010(11).

~~(6)[(4)]~~ "License agent" means a person, government entity including the department, business, or organization authorized to sell and issue licenses and conduct other transactions for the department.

[(a) "Governmental agent" means a license agent who is a county clerk or a federal, state, or local governmental entity.

[(b) "Out-of-state agent" means a license agent who sells licenses at a location outside the boundaries of Kentucky.]

~~(7)[(5)]~~ "License stock" means the blank paper upon which licenses are printed.

(8) "Operational Cost" means the fees charged for the operation, storage, security, maintenance, and support of the applicable sales solutions.

(9) "Payment processing fee" means a fee charged for the processing of payments.

(10)[(9)] "Product price" means the price of a license, permit, item, or service without any agent fees.

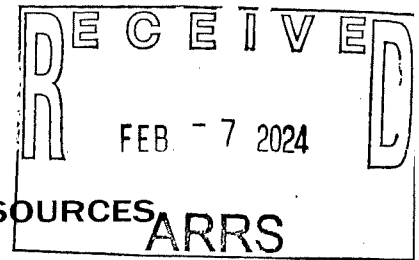
(11)[(10)][(6)] "Transaction" means the application for a hunt or the purchase or sale of a license, permit, item, product, or service.

(12)[(11)][(7)] "Vendor" means a person, organization, or business under contract with the department to provide the operation, storage, security, maintenance, and support of the solutions required to deliver department-defined goods and services.

~~[(12)]~~[(8)] [***"Operational Cost" means the fees charged for the operation, storage, security, maintenance, and support of the applicable sales solutions.***]

[(9) "Issuance Fee" means the fee charged for the sale and delivery of a license, permit, product, or service.]

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



KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

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February 7, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
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Administrative Regulation Review Subcommittee
Legislative Research Commission
Rm 083, Capitol Annex
Frankfort KY 40601

Re: 301 KAR 5:001. Definitions for 301 KAR Chapter 5., 301 KAR 5:010. License agent applications and agreements., 301 KAR 5:020. License agent requirements and responsibilities., 301 KAR 3:100 Special Commission Permits --Recodify to 301. KAR 5:200

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 5:001, 301 KAR 5:010, 301 KAR 5:020 and 301 KAR 5:200, Kentucky Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 5:001, 5:010, 5:020 and 5:200.

Sincerely,

A handwritten signature in cursive script that reads "Jenny Gilbert".

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

Staff-suggested Amendment

**Final version 1/30/2024
TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources**

301 KAR 5:010. License agent applications and agreements.

Page 1

Section 1(1)(b)

Line 16

After "Contractual Agreement," insert "October".

Page 2

Section 2(1)(b) and (c)

Lines 12 and 13

Insert quotation marks before and after the MIR titles.

Page 2

Section 2(2)(b)

Line 20

After "Authorization Form";", insert "or".

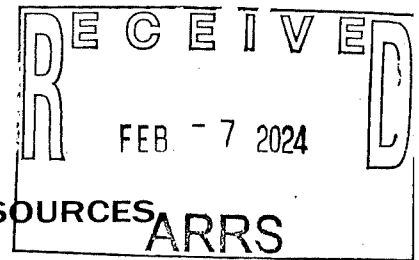
Delete "and".

Page 3

Section 2(2)(c)

Line 2

After "Agent Contractual Agreement", insert closing quotation marks.



KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

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February 7, 2024

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Frankfort KY 40601

Re: 301 KAR 5:001. Definitions for 301 KAR Chapter 5., 301 KAR 5:010. License agent applications and agreements., 301 KAR 5:020. License agent requirements and responsibilities., 301 KAR 3:100 Special Commission Permits --Recodify to 301 KAR 5:200

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 5:001, 301 KAR 5:010, 301 KAR 5:020 and 301 KAR 5:200, Kentucky Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 5:001, 5:010, 5:020 and 5:200.

Sincerely,

A handwritten signature in cursive script that reads "Jenny Gilbert".

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

Staff-suggested Amendment

**Final version 1/30/2024
TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources**

301 KAR 5:020. License agent requirements and responsibilities.

Page 2

Section 2(1)

Lines 2 and 3

After "(1)", insert "If applicable, a".

Delete "The".

After "charge and retain", delete the following:

the following agent fees, if applicable

Page 2

Section 2(1)(b)

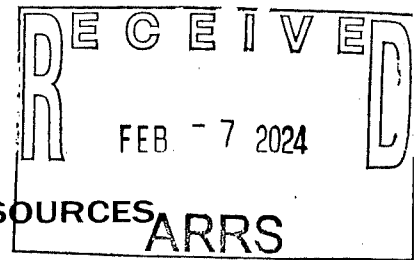
Lines 8 and 9

After "county agencies, and", insert "any".

Delete "such".

After "private entities", insert " :".

Delete " ,".



KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

Rich Storm
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Phone (502) 564-3400
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Brian Clark
Deputy Commissioner

February 7, 2024

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Re: 301 KAR 5:001. Definitions for 301 KAR Chapter 5., 301 KAR 5:010. License agent applications and agreements., 301 KAR 5:020. License agent requirements and responsibilities., 301 KAR 3:100 Special Commission Permits --Recodify to 301 KAR 5:200

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 5:001, 301 KAR 5:010, 301 KAR 5:020 and 301 KAR 5:200, Kentucky Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 5:001, 5:010, 5:020 and 5:200.

Sincerely,

A handwritten signature in cursive script that reads "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 5:200. Special commission permits for incorporated nonprofit wildlife conservation organizations.

RELATES TO: KRS 150.170, 150.175, 26 U.S.C. 501(c)(3)

STATUTORY AUTHORITY: KRS 150.025, 150.177, 150.195(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes **the** Kentucky Department of Fish and Wildlife Resources~~[the department]~~ to promulgate administrative regulations to establish hunting seasons, bag limits, and the methods of taking wildlife. KRS 150.177 authorizes the department to issue a special permit to an incorporated nonprofit wildlife conservation organization for fundraising if proceeds of the sale are used in Kentucky. KRS 150.195(1) requires the department to promulgate administrative regulations pertaining to the issuance of licenses and permits. This administrative regulation establishes the requirements for the issuance and use of Special Commission Permits.

Section 1. Definitions.

(1) "Incorporated nonprofit wildlife conservation organization" means an entity that:

(a) Has a stated purpose, as expressed in its articles of incorporation or bylaws, to conserve and enhance fish and wildlife resources to provide opportunities for hunting, fishing, trapping, wildlife education, habitat enhancement, or related activities such as shooting sports, hunter and angler education and training, **and** boating~~[, etc.]~~;

(b)

~~[1.]~~ Holds status as a nonprofit organization pursuant to 26 U.S.C. Section 501(c)(3)~~;~~ and ~~[2.]~~ is incorporated under the laws of this state or any other state; or

(c) Is an affiliated regional, state, or local chapter of a parent organization that meets the requirements of subsection (1)(b) of this section.

(2) "Proceeds" means the amount of money received by an incorporated nonprofit wildlife conservation organization from the sale or transfer of a special commission permit minus all expenses directly attributable to the sale of the permit.

(3) "Project" means an enterprise designed to achieve stated purposes, which shall conserve and enhance fish and wildlife resources within Kentucky by enhancing habitat or providing opportunities for hunting, fishing, trapping, wildlife education, habitat enhancement, or related activities such as shooting sports, hunter and angler education and training, **and** boating~~[, etc.]~~.

(4) "Special commission permit" means a ~~[species-specific]~~ permit issued by the Kentucky Fish and Wildlife Commission to an incorporated nonprofit wildlife conservation organization for fundraising that allows the assigned permit holder~~[recipient]~~ to perform the acts applicable to ~~[the specific game designated by]~~ the permit **as follows**~~[depending on the species listed on the permit, to harvest]~~:

(a) For deer permits, harvest one~~[One]~~ (1) additional deer of either sex~~[per license year]~~;

(b) For wild turkey permits, harvest one~~[One]~~ (1) additional turkey of either sex~~[per license year]~~;

(c) For elk permits, harvest one~~[One]~~ (1) elk of either sex, except that an individual shall **not** harvest **[no]** more than one (1) elk **[total]** per license year;

(d) For black bear permits, harvest one (1) additional black bear of either sex; or

(e)~~(d)~~ For waterfowl permits, receive priority hunt dates and location selection for public area waterfowl hunting~~[Up to a daily bag limit of waterfowl per day].~~

Section 2. Issuance and Sale of Special Commission Permit.

(1) There shall be no more than ten (10) special commission permits issued per species per license year.

(2) An incorporated nonprofit wildlife conservation organization may apply for one (1) special commission permit per species by submitting, **through [via]** the online Special Commission Permit Submission Portal at <https://app.fw.ky.gov/commission>, the following information:

(a) Organization Name;

(b) Mailing address;

(c) Contact person's name;

(d) Phone number;

(e) Email Address;

(f) Permit types requested;

(g) Proposed method of selling the permits;

(h) Estimated dollar amount to be raised through the sale of permits requested;

(i) Rationale for the estimate;

(j) Fund-raising history;

(k) Prior experience with conservation projects;

(l) Description of proposed conservation project for which the funds will be used;

(m) Analysis of who will primarily benefit from the proposed project;

(n) List of tangible goods intended for purchase which will not be expended during the project, if applicable;

(o) Who will maintain ownership of any tangible items remaining after the project is completed, and how they will be used for the reasonable life of those items;

(p) Explanation of how the proposed project is intended to enhance fish and wildlife, habitats, fish and wildlife education, or fish and wildlife related recreation in Kentucky;

(q) Internal Revenue Service Employer Identification Number (EIN) under which the organization is applying; and

(r) Parent Organization name, if the organization is applying as an affiliated regional, state, or local chapter thereunder.~~[The incorporated nonprofit wildlife conservation organization shall accurately complete a Special Commission Permits Application Form.]~~

(3) A national organization and its affiliated regional, state, and local chapters or branches shall all be eligible to apply for a special commission permit in the same year if each organization meets the definition in Section 1(1) of this administrative regulation.

(4) No more than one (1) of each special commission permit type~~[per species]~~ shall be awarded per distinct Internal Revenue Service Employer Identification Number (EIN) per year.

(5) ~~[In addition to the completed application, the]~~The organization shall also submit, **through**

[via] the online Special Commission Permit Submission Portal at <https://app.fw.ky.gov/commission>, the following supporting documents:

- (a) A copy of the organization's articles of incorporation;
- (b) A copy of the Internal Revenue Service determination letter establishing the organization's current tax-exempt status, including the applicant's Employer Identification Number (EIN);
- (c) A copy of the organization's bylaws that state the purposes of the organization, if the purposes of the organization are not stated in the articles of incorporation; and
- (d) A letter, dated within ninety (90) days of submission~~[the application]~~, from the organization's parent organization, if applicable, stating that the chapter organization is in good-standing and is recognized by the parent organization.

(6) The deadline for submission of the application and all supporting documents is May 1 of each year.~~[The completed application and accompanying documents listed in subsection (5) of this section shall be postmarked or delivered to the department by May 1 of each year.]~~

(7) Organizations~~[Applications]~~ shall be disqualified from eligibility~~[the awards process]~~ for the criteria listed in paragraphs (a) through (d) of this subsection:

(a) Failure to submit the required information~~[application]~~ and supporting~~[accompanying]~~ documents to the department by the deadline established in subsection (6) of this section;

(b) ~~[An incomplete or missing Special Commission Permits Application Form or accompanying documents required pursuant to subsection (5) of this section;~~

~~(c) Failure to qualify as an incorporated nonprofit wildlife conservation organization; or~~

~~(d) Failure~~~~[Beginning in 2022, the wildlife conservation organization applicant failed] to~~

meet the following requirements:

1. Sell a special commission permit awarded in the previous two (2) years;
2. Comply with the requirements of subsections (11)(b) and 11(c) of this section during the previous two (2) years; ~~[or]~~

3. Timely submit **[the following]**, during the previous two (2) years, for each permit received by the organization:

a. All~~[all of]~~ the information required by subsection~~[subsections]~~ (11)(d) ~~[and 11(f)]~~ of this section; or

b. The name of **the** person who purchased the permit; and

c. A statement that the organization attempted to obtain the hunter information required by subsection (11)(d) of this section but was not supplied all the information prior to the applicable submission deadline;~~[during the previous two (2) years.]~~

4. Timely submit the information required by subsection 11(g) of this section **[(f)]** for the calendar year for a given application; or

5. Submit by May 1 of the current calendar year, the information required for the previous calendar year by subsection 11(g) of this section **[(f)]** if the information was not provided timely.

(8) Prior to selecting organizations to receive special commission permits for the current year~~[recipients]~~, the Fish and Wildlife Commission shall review and consider all information and~~[applications and]~~ documents submitted by each wildlife conservation organization that has not been disqualified pursuant to subsection (7) of this section.

(9) The department shall provide the Fish and Wildlife Commission with information concerning each applicant's relative standing with regard to:

- (a) Past compliance; and

(b) History of funds generated.

(10) The Fish and Wildlife Commission shall select organizations to receive permits~~[permit recipients]~~ based on the information listed in subsection (9) of this section and the information contained within the organization's submission~~[application]~~.

(11) An incorporated nonprofit wildlife conservation organization that is awarded a special commission permit shall:

(a) Generate proceeds through the sale of each permit awarded;

(b) Use the proceeds ~~[from the sale of the permits]~~ within Kentucky, only for the project listed in the application, and not for ordinary operational costs of the organization;

(c) Remit to the department any proceeds from the sale of the permits that are not expended by the May 1 reporting deadline three (3) years after the submission deadline ~~[of the application]~~ for which the special commission permits were awarded;

(d) Submit to the department, through [via] the online Special Commission Permit Submission Portal at <https://app.fw.ky.gov/commission>, the information listed in subparagraphs 1. through 4.~~[5.]~~ of this paragraph for the hunter to whom the permit shall be issued. ***[Failure to submit the required information by the applicable deadline will result in no permit being issued.]***

1. Name;

2. Address;

3. ~~[Date of birth;~~

4.] A copy of the hunter's valid Kentucky Hunting license; and

4.~~[5.]~~ For waterfowl, the requested location and date of the hunt.

(e) The information to be submitted, as established in paragraph (d) of this section, shall be submitted to the department no later than the following dates during the license year for which the permit is valid:

1. March 1 for turkey;

2. August 1 for elk;

3. August 1 for deer;~~[and]~~

4. September 1 for black bear; and

5. September 1 for waterfowl.

(f) ***Failure to submit the required information by the applicable deadline shall result in no permit being issued.***

(g) Submit to the Department of Fish and Wildlife Resources, through [via] the online Special Commission Permit Submission Portal at <https://app.fw.ky.gov/commission>, by May 1 of the following year, and each subsequent year until all funds generated by the sale of the permit are expended or remitted to the department, a report, subject to audit, that includes:

1. A financial statement containing:

a. Total funds raised from the sale of each permit;

b. A detailed list of expenditures directly attributable to the sale of each~~[the]~~ permit;

c. Net proceeds after expenditures used in fundraising, if applicable~~[profit]~~;

d. A detailed list of expenditures attributable to the conservation project with a receipt for each expenditure~~[receipts attached]~~; and

e. Balance of funds remaining;

2. A summary of the conservation project; and

3. A synopsis of the project's impact in regards to the goals stated~~[in the application]~~.

(12) Once a special commission permit has been issued to a hunter, it shall not be transferred to another hunter.

Section 3. Special Permit Use.

(1) A special permit shall only be valid for the:

(a) Individual named on the permit;

(b) Game animals~~[Species of wildlife]~~ listed on the permit; and

(c) ~~[The]~~ First season for designated game animals~~[that species]~~ in the license year following the commission meeting that the special permit was awarded~~[-except that during 2020 permits for deer and waterfowl shall also be awarded for the current license year].~~

(2) A special commission permit holder shall comply with all other department statutes and KAR Title 301.

(3) A holder of a special commission permit to hunt deer may hunt on any Wildlife Management Area during an open deer season or ~~[nonmobility impaired]~~ quota hunt pursuant to 301 KAR 2:178, for which they are otherwise eligible to participate, except:

(a) Hunting shall not be allowed on closed waterfowl refuges, pursuant to 301 KAR 2:222;

(b) A permit holder shall contact the wildlife area manager at least forty-eight (48) hours before hunting; and

(c) A permit holder shall notify the area manager upon leaving a Wildlife Management Area.

(4) A holder of a special commission permit to hunt wild turkey shall not hunt on a Wildlife Management Area that is closed to turkey hunting.

(5) ***Pursuant to 301 KAR 2:222***, a holder of a special commission permit to hunt waterfowl may, subject to the timely submission of all applicable information by the wildlife conservation organization, hunt on Ballard, Boatwright, or Sloughs Wildlife Management Areas from one (1) of the areas' hunting units during one (1) of the available hunt periods established by the department~~[-pursuant to 301 KAR 2:222].~~

(6) Each special commission permit to hunt elk shall be randomly assigned an elk~~[a]~~ hunting unit at the time of the selection of the wildlife conservation organizations to be awarded special commission permits. Each elk hunting unit ***shall [will]*** be assigned once prior to assigning a second permit to the unit. ***An [No]*** elk hunting unit ***shall not [will]*** be assigned more than two (2) permits. The permit holder shall be allowed~~[restricted]~~ to hunt in the assigned elk hunting unit on private land with permission from the landowner, or on Department owned or managed lands that are the subject of public access agreements between the landowners and the department~~[hunting in the assigned unit only].~~ The permit holder shall also be allowed to hunt in any other elk hunting unit with private landowner permission, ***[as established in Section 3(7) of this regulation and]*** consistent with any applicable requirements established in 301 KAR 2:132 and 301 KAR 2:030, on private land that is not open for public hunting through a hunter access area agreement, voucher-cooperator agreement, or wildlife management area agreement between the landowner and the department.

~~[(7) A holder of any special commission permit may hunt on private land with the permission of the landowner.~~

Section 4. Incorporation by Reference.

(1) "Special Commission Permits Application Form", 2019 edition, is incorporated by reference.

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

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.

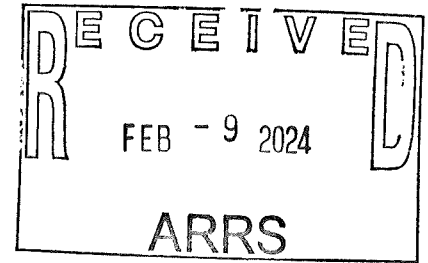
Corporate Drive Complex
Frankfort, KY 40601



KENTUCKY
DEPARTMENT OF
AGRICULTURE

Jonathan Shell, Commissioner

502-573-0450
www.kyagr.com



February 7, 2024

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

Re: 302 KAR 2:010. Access to public records of the Kentucky Department of Agriculture.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 302 KAR 2:010 the Kentucky Department of Agriculture proposes the attached amendments to 302 KAR 2:010.

Sincerely,

Clint Quarles
Staff Attorney
Kentucky Department of Agriculture
107 Corporate Drive
Frankfort, KY 40601



SUGGESTED SUBSTITUTE

Final Version: 01/31/24 at 10:53 a.m.

302 KAR 2:010. Access to public records of the Kentucky Department of Agriculture.

RELATES TO: KRS 61.870_ - 61.884

STATUTORY AUTHORITY: KRS 61.876(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.876(1) requires that each public agency shall ~~promulgate[adopt rules and]~~ administrative regulations to provide full access to public records, to protect public records from damage and disorganization, to prevent excess disruption of its essential functions, to provide assistance and information upon request, and to ensure efficient and timely action in response to application for inspection of public records. This administrative regulation **establishes provisions for public access to department records[proposes to fulfill this statutory requirement]**.

Section 1. The principal office location for the Kentucky Department of Agriculture is 105 Corporate Drive, Frankfort, Kentucky 40601. Regular office hours are 8 a.m. to 4:30 p.m., Monday through Friday, prevailing time in Frankfort, Kentucky.

Section 2. The title of the official custodian of the records of the Kentucky Department of Agriculture **shall be[is]** the Commissioner of Agriculture, whose address is 105 Corporate Drive, Frankfort, Kentucky 40601 and phone number 502-573-0282. The email address for the official custodian of records is ag.web@ky.gov.

Section 3. The procedure to be followed in requesting copies of public records shall be as **established in subsections (1) through (3) of this section.[follows:]**

- (1) Requests for copies of public records shall be made in writing, describing in reasonably sufficient detail the records to be inspected using **Request to Inspect Public Records**, form OAG-01.
- (2) ~~[Fees to be charged for]~~ Copies of public records shall be ten (10) cents for each photocopy or page produced and sent electronically.
- (3) Fees shall be paid prior to mailing **or emailing** the results of the request.

Section 4. The procedure to be followed in requesting inspection of public records shall be as **established in subsections (1) through (4) of this section.[follows:]**

- (1) Requests for inspection of public records shall be made directly to the Commissioner of Agriculture or to the commissioner's **department** designee.~~[;]~~
- (2) Requests to inspect public records shall be made in writing, describing in reasonably sufficient detail the records to be inspected using **Request to Inspect Public Records**, form OAG-01.~~[;]~~
- (3) Records shall be inspected and copied in the presence of a member of the Kentucky Department of Agriculture to protect the records from damage or disorganization, to lessen disruption of office procedure, to provide timely assistance and information upon request to the person requesting inspection, and to provide full access to public records.~~[; and]~~
- (4) Suitable facilities shall be made available for inspection of public records.

Section 5. A copy of KRS 61.870 **through[to]** 61.884 and this administrative regulation shall be displayed in the main reception room of the Kentucky Department of Agriculture at 105 Corporate Drive, Frankfort, Kentucky 40601.

Section 6. Incorporation by Reference.

- (1) The following material is incorporated by reference: "Request to Inspect Public Records" OAG-01", June 2021.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Agriculture, Regulation and Inspection Division, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.
- (3) This material may also be obtained at www.kyagr.com.

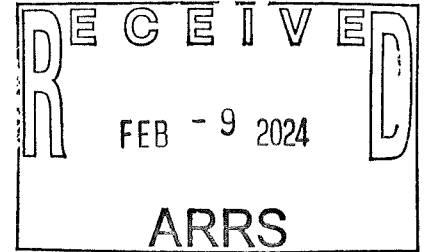
Corporate Drive Complex
Frankfort, KY 40601



KENTUCKY
DEPARTMENT OF
AGRICULTURE

Jonathan Shell, Commissioner

502-573-0450
www.kyagr.com



February 7, 2024

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

Re: 302 KAR 16:150 Qualification and registration of persons designated to perform amusement safety inspections.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 302 KAR 16:150 the Kentucky Department of Agriculture proposes the attached amendments to 302 KAR 16:150.

Sincerely,

Clint Quarles
Staff Attorney
Kentucky Department of Agriculture
107 Corporate Drive
Frankfort, KY 40601



SUGGESTED AMENDMENT

Final Version: 01/31/24 at 10:56 a.m.

302 KAR 16:150. Qualification and registration of persons designated to perform amusement safety inspections.

RELATES TO: KRS 247.234

STATUTORY AUTHORITY: KRS 247.234(3)(e)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.234 (3)(e) requires the Department of Agriculture to promulgate administrative regulations for designating persons qualified by education or experience, who are capable of determining amusement safety in accordance with administrative regulations promulgated under KRS 247.232 ~~through~~ 247.236, as amusement safety inspectors. **KRS 247.234(3)(e) also requires** the Department of Agriculture ~~to~~ establish an annual registration fee for persons designated as amusement safety inspectors. **This administrative regulation establishes requirements for amusement safety inspectors.**

Section 1. Education or experience requirements for persons designated as amusement safety inspectors.

(1) Persons employed by the department shall possess the following education or experience to be designated as amusement safety inspectors:

(a) NAARSO Certificate Level I;

(b) AIMS International Level I Certification, Associate Ride Inspector; or

(c) No education or experience, if the department employee is in training or the inspection performed is supervised by a department employee holding a level of education or experience ~~established~~ in ~~paragraphs~~ (a) or (b) of this subsection.

(2) Persons working under a contract with the department to provide amusement inspection services to the department shall possess the following education or experience to be designated as amusement safety inspectors:

(a) NAARSO Certificate Level I; or

(b) AIMS International Level I Certification, Associate Ride Inspector.

(3) Regardless of their level of education or experience, persons other than those employed by the department or providing amusement inspection services to the department under contract shall not be designated by the department as amusement safety inspectors for any purpose ~~established~~ in KRS 247.232 ~~through~~ 247.236 and any ~~requirement of 302 KAR Chapter 16~~ pertaining to those sections.

Section 2. Any person who is designated as an amusement safety inspector, not employed by the KDA, shall register with the department and pay an annual registration fee. ~~in the following manner:~~ Persons designated as amusement safety inspectors shall:

(1) Provide proof of education and experience required to be designated as an amusement safety inspector;

(2) Provide proof of current insurance coverage during the designation period, ~~including~~:

(a) Current and general liability coverage in an amount of not less than \$1,000,000 per occurrence and \$2,000,000 general aggregate; and

(b) Current professional liability coverage, including errors and omissions, in an amount of not less than \$1,000,000; ~~and~~

(3) Pay a registration fee of \$100; ~~and~~

(4) Submit to the department, a completed Amusement Safety Inspector Registration Form.

Section 3. Incorporation by Reference.

(1) The following material is incorporated by reference: "Amusement Safety Inspector Registration Form", **February, 2024[11/23]**.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Agriculture, Division of Regulation and Inspection, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may also be obtained at www.kyagr.com.

***General Reviewer's Note:** File one (1) clean and one (1) dirty Amusement Safety Inspector Registration Form, to express the following revisions:

- Add an edition date of "February 2024".
- REQUIRED EDUCATION OR EXPERIENCE: Kentucky Department of Agriculture Employee: First Checkbox:
 - After "NAARSO Certificate Level I;" delete "or".
- REQUIRED EDUCATION OR EXPERIENCE: ATTACH: Certification or Licensure as a Professional Inspector by one of the following: First Checkbox:
 - After "(NAARSO)", insert a semicolon.
- REQUIRED EDUCATION OR EXPERIENCE: ATTACH: Certification or Licensure as a Professional Inspector by one of the following: Second Checkbox:
 - After "Suppliers International", insert a period.
- REQUIRED FOR DESIGNATION AS NON-EMPLOYEE AMUSEMENT SAFETY INSPECTOR:
 - Change to "REQUIRED FOR DESIGNATION AD AMUSEMENT SAFETY INSPECTOR; NON-EMPLOYEE".
 - Replace "302 KAR 16:XXX" with "302 KAR 16:150".

Jonathan Shell
Agriculture Commissioner



105 Corporate Drive Complex
Frankfort, KY 40601
502-573-0282
www.kyagr.com

KENTUCKY DEPARTMENT OF AGRICULTURE

Amusement Ride Inspector Registration Form

Inspector Applicant's Name _____
Inspector Applicant's Address _____
City, State, ZIP _____
Telephone _____ Emergency Telephone _____
Email _____

REQUIRED EDUCATION OR EXPERIENCE

- Kentucky Department of Agriculture Employee**
 - NAARSO Certificate Level I;
 - AIMS International Level I Certification, Associate Ride Inspector; or
 - No education or experience, if the department employee is in training or the inspection performed is supervised by a department employee holding a level of education or experience listed above.
- Professional Inspector providing contractual services to KDA**
 - NAARSO Certificate Level I; or
 - AIMS International Level I Certification, Associate Ride Inspector.
- ATTACH:** Certification or Licensure as a Professional Inspector by one of the following:
 - National Association of Amusement Ride Safety Officials (NAARSO); or
 - Amusement Industry Manufacturers and Suppliers International.

REQUIRED FOR DESIGNATION AS NON-EMPLOYEE AMUSEMENT SAFETY INSPECTOR:

- ATTACH:** Certificate of Professional Liability Insurance Coverage in effect during Certification to levels specified by 302 KAR 16:150.

Applicant Signature _____

Applicant Printed Name _____ Date _____

KDA USE ONLY: Application - APPROVED - REJECTED - INCOMPLETE

KDA USE ONLY: Certification - APPROVED - REJECTED - INCOMPLETE

Issue Date _____



Jonathan Shell
Agriculture Commissioner



105 Corporate Drive Complex
Frankfort, KY 40601
502-573-0282
www.kyagr.com

KENTUCKY DEPARTMENT OF AGRICULTURE

Amusement Ride Inspector Registration Form

Inspector Applicant's Name _____
Inspector Applicant's Address _____
City, State, ZIP _____
Telephone _____ Emergency Telephone _____
Email _____

REQUIRED EDUCATION OR EXPERIENCE

- Kentucky Department of Agriculture Employee**
 - NAARSO Certificate Level I; [or]
 - AIMS International Level I Certification, Associate Ride Inspector; or
 - No education or experience, if the department employee is in training or the inspection performed is supervised by a department employee holding a level of education or experience listed above.

- Professional Inspector providing contractual services to KDA**
 - NAARSO Certificate Level I; or
 - AIMS International Level I Certification, Associate Ride Inspector.

- ATTACH:** Certification or Licensure as a Professional Inspector by one of the following:
 - National Association of Amusement Ride Safety Officials (NAARSO);_or
 - Amusement Industry Manufacturers and Suppliers International_

REQUIRED FOR DESIGNATION AS NON-EMPLOYEE AMUSEMENT SAFETY INSPECTOR:

- ATTACH:** Certificate of Professional Liability Insurance Coverage in effect during Certification to levels specified by 302 KAR 16:150. [~~16:XXX.~~]

Applicant Signature _____

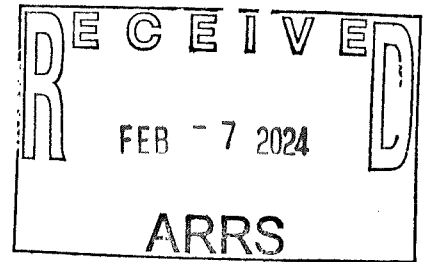
Applicant Printed Name _____ Date _____

KDA USE ONLY: Application - APPROVED - REJECTED - INCOMPLETE

KDA USE ONLY: Certification - APPROVED - REJECTED - INCOMPLETE

Issue Date _____





Andy Beshear
GOVERNOR

Jacqueline Coleman
LIEUTENANT GOVERNOR

PUBLIC PROTECTION CABINET

**Kentucky Horse Racing
Commission**

4047 Iron Works Parkway
Lexington, KY 40511
Phone: (859) 246-2040
Fax: (859) 246-2039

Ray A. Perry
SECRETARY

DJ Wasson
DEPUTY SECRETARY

Jamie Eads
EXECUTIVE DIRECTOR

Jonathan Rabinowitz
CHAIRMAN

February 7, 2024

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

Re: 810 KAR 4:070: Jockeys and apprentices.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 810 KAR 4:070, the Kentucky Horse Racing Commission proposes the attached amendments to 810 KAR 4:070.

Sincerely,

Jennifer Wolsing
KHRC General Counsel

SUGGESTED SUBSTITUTE

**PUBLIC PROTECTION CABINET
Kentucky Horse Racing Commission**

810 KAR 4:070. Jockeys and apprentices.

RELATES TO: KRS 230.215, 230.260

STATUTORY AUTHORITY: KRS 230.215(2), 230.260(8), 230.260 (10), 230.260 (14)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and KRS 230.260(8) authorize the Kentucky Horse Racing Commission to promulgate administrative regulations prescribing conditions under which all horse racing is conducted. KRS 230.260(10) ~~requires~~**authorizes** the commission to promulgate administrative regulations establishing minimum fees for jockeys in the absence of a contract between an employing owner or trainer and a jockey. KRS 230.260(14) authorizes the commission to promulgate administrative regulations to establish safety standards~~[and minimum fees for jockeys]~~. This administrative regulation establishes the requirements for jockeys and apprentice jockeys.

Section 1. Probationary Mounts. Any person desiring to participate in this state as a jockey, who has not ridden in a race previously, may ride in three (3) races before applying for a license as a jockey or apprentice jockey if:

- (1) The person is a licensed stable employee, assistant trainer, or trainer with at least one (1) year of service with a racing stable;
- (2) A licensed trainer certifies in writing to the stewards that the person has demonstrated sufficient horsemanship, as evidenced by control of the animal while mounting, riding, and dismounting in race and nonrace conditions, to be permitted the probationary mounts;
- (3) The starter has schooled the person in breaking from the starting gate with other horses and approves the person as capable of starting a horse properly from the starting gate in a race;
- (4) The stewards determine that the person:
 - (a) Intends to become a licensed jockey;
 - (b) Possesses the physical ability to be a jockey; and
 - (c) Has demonstrated the ability to ride in a race without jeopardizing the safety of horses or other jockeys in the race; and
- (5) The person has prior oral or written approval of the stewards.

Section 2. Qualifications for License. In addition to the requirements applicable to licensees under 810 KAR 3:020, a holder of a license as a jockey or apprentice jockey:

- (1) Shall be sixteen (16) years of age or older and licensed under his or her legal name, which shall be listed in the daily race program;
- (2) Shall have served at least one (1) year with a racing stable;
- (3) Shall have ridden in at least three (3) races; and
- (4) Shall, if required by the stewards, to protect the health and safety of the jockey, other jockeys, the horses, or the welfare of the betting public, provide a medical affidavit certifying the person is physically and mentally capable of performing the activities and duties of a licensed jockey.

Section 3. Amateur or Provisional Jockey.

- (1) An amateur wishing to ride in races on even terms with professional riders, but without accepting fees or gratuities, shall:
 - (a) Be approved by the stewards as to competency of horsemanship, as demonstrated by meeting the requirements in Section 1(2), (3), and (4)(b) and (c) of this administrative regulation;
 - (b) Be granted an amateur jockey's license; and
 - (c) Have amateur status duly noted on the daily race program.

(2) A licensed owner or licensed trainer, upon approval by the stewards, may be issued a provisional jockey's license to ride his or her own horse or horse registered in his care as trainer.

Section 4. Apprentice Allowance in Thoroughbred Racing.

(1) The provisions of this section apply only to thoroughbred racing.

(2) Any person sixteen (16) years of age or older, who has not been licensed previously as a jockey in any jurisdiction, and who is qualified under Section 2 of this administrative regulation, may claim in all purse races except handicaps the following weight allowances:

(a) Ten (10) pounds until he or she has ridden five (5) winners;

(b) Seven (7) pounds until he or she has ridden an additional thirty-five (35) winners;

(c) If he or she has ridden a total of forty (40) winners prior to the end of one (1) year from the date of riding his fifth winner, he or she shall have an allowance of five (5) pounds until the end of that year; and

(d) If after one (1) year from the date of the fifth winner, the apprentice jockey has not ridden forty (40) winners, the applicable weight allowance shall continue for one (1) additional year, or until the 40th winning mount, whichever occurs first.

(3)

(a) After the completion of conditions in subsection ~~(2)~~(4) of this section, a contracted apprentice may claim three (3) pounds for one (1) year if riding horses owned or trained by his or her original contract employer if his or her contract has not been transferred or sold since his or her first winner.

(b) The original contract employer shall be the party to the contract who was the employer at the time of the apprentice jockey's first winner.

(c) Apprentice allowance shall not be claimed for a period in excess of two (2) years from the date of the rider's fifth winner unless an extension has been granted in accordance with subsection (4) of this section.

(4) An apprentice jockey may enter into a contract with a licensed owner or licensed trainer qualified under Section 5 of this administrative regulation for a period not to exceed five (5) years.

(a) These contracts shall be:

1. Approved by the stewards;

2. Filed with the commission; and

3. Binding in all respects on the parties to the contract.

(b) An apprentice who has not entered into a contract pursuant to this subsection shall be given an apprentice jockey certificate.

(5) If an apprentice jockey is unable to ride for a period of seven (7) consecutive days or more because of service in the armed forces of the United States, physical disablement, attendance in an institution of secondary or higher education, restrictions on racing, or other valid reason, the commission, upon recommendation of the stewards and after consultation with the racing entity that approved the original apprentice contract, may extend the time during which the apprentice weight allowance may be claimed for a period no longer than the period the apprentice rider was unable to ride.

(6) After completion of conditions in subsection ~~(2)~~(4) of this section, the rider shall be issued a license as a jockey before accepting subsequent mounts. Under these circumstances, the commission may waive collection of an additional license fee.

Section 5. Rider Contracts.

(1) All riding contracts for terms longer than thirty (30) days, and any amendments, cancellation, or transfer of the contract, shall be in writing with the signatures of the parties notarized, and shall be approved by the stewards and filed with the commission.

(2) The stewards shall approve a riding contract and permit parties to participate in racing in this state if the stewards determine that:

(a) The contract employer is a licensed owner or licensed trainer who owns or trains at least three (3) horses eligible to race when the contract is executed;

(b) The contract employer possesses the character, ability, facilities, and financial responsibility conducive to developing a competent race rider; and

(c) If it is a contract for an apprentice jockey, the contract provides for fair remuneration, adequate medical care, and an option equally available to both employer and apprentice jockey to cancel the contract after two (2) years from the date of execution.

Section 6. Restrictions as to Contract Riders. A contract rider shall not:

- (1) Ride any horse not owned or trained by his contract employer in a race against a horse owned or trained by his or her contract employer;
- (2) Ride or agree to ride any horse in a race without consent of his or her contract employer;
- (3) Share any money earned from riding with his or her contract employer; or
- (4) Accept any present, money, or reward of any kind in connection with his or her riding of any race except through his or her contract employer.

Section 7. Calls and Engagements.

- (1) Any rider not prohibited by contract may agree to give first or second call on his or her race-riding services to any licensed owner or trainer.
- (2) Any rider employed by a racing stable on a regular salaried basis shall not ride against the stable that employs him or her.

Section 8. Jockey Fees in Thoroughbred Racing.

- (1) The fee to a jockey, in the absence of special agreement to the contrary, shall be as follows:
(a)

Purse	Winning Mount	Second Place Mount	Third Place Mount	Fourth Place Mount	Losing Mount
Up _____ to \$99,999	10%	>5% or \$140, whichever is greater	>5% or \$135, whichever is greater	>5% or \$130, whichever is greater	\$125
\$100,000 - \$999,999	10%	5%	5%	5%	\$125
\$1,000,000 and up	10%	5%	5%	5%	\$500
[Up _____ to \$9,999]	[10% of Win Purse]	[5% of Place Purse OR \$75, whichever is greater]	[\$70]	[\$65]	[\$60]
[\$10,000- \$14,999]	[10% of Win Purse]	[5% of Place Purse]	[\$75]	[\$70]	[\$65]
[\$15,000- \$24,999]	[10% of Win Purse]	[5% of Place Purse]	[5% of Show Purse OR \$80, whichever is greater]	[\$75]	[\$70]
[\$25,000- 49,999]	[10% of Win Purse]	[5% of Place Purse]	[5% of Show Purse]	[\$85]	[\$80]
[\$50,000- \$99,000]	[10% of Win Purse]	[5% of Place Purse]	[5% of Show Purse]	[\$90]	[\$85]
[\$100,000 and up]	[10% of Win Purse]	[5% of Place Purse]	[5% of Show Purse]	[5% of Fourth Place Purse]	[\$110]

- (b) The flat fee amounts as established in paragraph (a) of this subsection are not percentage driven.
- (2) A jockey fee shall be considered earned by a rider if he or she is weighed out by the clerk of scales, with the following exceptions:

- (a) If a rider does not weigh out and ride in a race for which he or she has been engaged because an owner or trainer engaged more than one (1) rider for the same race, the owner or trainer shall pay an appropriate fee to each rider engaged for the race;
- (b) If a rider capable of riding elects to take himself off the mount without, in the opinion of the stewards, reasonable cause; or
- (c) If a rider is replaced by the stewards with a substitute rider for a reason other than a physical injury suffered by the rider during the time between weighing out and start of the race.

Section 9. Jockey Fees for Quarter Horse, Paint Horse, Appaloosa, and Arabian Racing.

(1) The fee to a jockey in all races shall be, in the absence of special agreement, as follows:

Purse	Winning Mount	Second Place Mount	Third Place Mount	Fourth Place Mount	Losing Mount
Up to \$6,499	10% of Win Purse	Losing mt + \$15	Losing mt + \$10	Losing mt + \$5	\$75
\$6,500-\$9,999	10% of Win Purse	Losing mt + \$15	Losing mt + \$10	Losing mt + \$5	\$80
\$10,000-\$14,999	10% of Win Purse	5% of Place Purse	Losing mt + \$10	Losing mt + \$5	\$85
\$15,000-24,999	10% of Win Purse	5% of Place Purse	5% or (LM + \$10) whichever is greater	Losing mt + \$5	\$90
\$25,000-\$49,999	10% of Win Purse	5% of Place Purse	5% or (LM + \$10)	Losing mt + \$5	\$95
\$50,000-\$99,999	10% of Win Purse	5% of Place Purse	5% of Show Purse	Losing mt + \$5	100
\$100,000 and up	10% of Win Purse	5% of Place Purse	5% of Show Purse	5% of Fourth Place Purse	\$125

(2) A jockey fee shall be considered earned by a rider when he or she is weighed out by the clerk of scales, with the following exceptions:

- (a) If a rider does not weigh out and ride in a race for which he or she has been engaged because an owner or trainer engaged more than one (1) rider for the same race, the owner or trainer shall pay an appropriate fee to each rider engaged for such race;
- (b) If a such rider capable of riding elects to take himself or herself off the mount without, in the opinion of the stewards, reasonable cause; or
- (c) If a such rider is replaced by the stewards with a substitute rider for a reason other than a physical injury suffered by the rider during the time between weighing out and start of the race.

Section 10. Revised Order of Finish After Race is Declared Official. If a winning purse is forfeited through subsequent ruling of the stewards or the commission, after a race has been declared official, the winning fee shall be paid to the jockey whose mount is ultimately adjudged the winner, and the original winner shall be paid a losing mount fee.

Section 11. Duty to Fulfill Engagements. Every rider shall fulfill his or her duly scheduled riding engagements, unless excused by the stewards due to circumstances under which a jockey could not reasonably be expected to be physically present at the required time. A rider shall not be required to ride a horse he or she believes to be unsound, nor over a racing strip he or she believes to be unsafe. If the stewards find a rider's refusal to fulfill a riding engagement is based on a personal belief unwarranted by the facts and circumstances, the rider may be subject to disciplinary action.

Section 12. Presence in Jockey Room.

- (1) Each rider who has been engaged to ride in a race shall be physically present in the jockey room no later than one (1) hour prior to post time for the first race he or she is scheduled to ride, unless excused by the stewards or the clerk of scales due to circumstances under which a jockey could not reasonably be expected to ride. Upon arrival each rider shall report his or her engagements to the clerk of scales. If a rider fails for any reason to arrive in the jockey room no later than one (1) hour before post time of a race in which he or she is scheduled to ride, the clerk of scales shall so advise the stewards who may name a substitute rider and shall cause a public announcement to be made of the rider substitution prior to opening of wagering on the race.
- (2) Each rider reporting to the jockey room shall remain in the jockey room until he or she has fulfilled all riding engagements for the day, except to ride in a race, or to view the running of a race from a location approved by the stewards. While a rider is outside of the jockey room, a rider shall not have contact or communication with any person other than an owner or trainer for whom he or she is riding, a racing official, or a media representative authorized by the stewards, until the rider has fulfilled all his riding engagements for the day.
- (3) The association shall be responsible for security of the jockey room and for excluding all persons except riders scheduled to ride on the day's program, valets, authorized attendants, racing officials, media representatives authorized by the stewards, and persons having special permission of the stewards to enter the jockey room.
- (4) Any rider intending to discontinue riding at a race meeting prior to its conclusion shall notify the stewards of his or her intent to depart after fulfilling his or her final riding engagement of the day.

Section 13. Weighing Out.

- (1) Each rider engaged to ride in a race shall report to the clerk of scales for weighing out not more than one (1) hour and not less than fifteen (15) minutes before post time for each race in which he or she is engaged to ride, and when weighing out, the rider shall declare overweight, if any.
- (2)
 - (a) A rider shall not pass the scale with more than one (1) pound overweight, without consent of the owner or trainer of the horse he or she is engaged to ride; and
 - (b) A rider shall not pass the scale with more than five (5) pounds overweight.
- (3) A horse shall not be disqualified because of overweight carried.
- (4) Riding crops, blinkers, number cloths, bridles, bits, reins, over-girth, breast collar, goggles, safety helmets, and safety vests shall not be included in a rider's weight.

Section 14. Wagering.

- (1) A rider shall not:
 - (a) Place a wager;
 - (b) Cause a wager to be placed on his behalf;[,] or
 - (c) Accept any ticket or winnings from a wager on any race except on his or her own mount, and except through the owner or trainer of the horse he or she is riding.
- (2) The owner or trainer placing wagers for his or her rider shall maintain a precise and complete record of all of these wagers, and the record shall be available for examination by the stewards at all times.

Section 15. Attire.

- (1) Upon leaving the jockey room to ride in any race, each rider shall be neat and clean in appearance and wear the traditional jockey attire with all jacket buttons and catches fastened.
- (2) Each jockey shall wear:
 - (a) The cap and jacket racing colors registered in the name of the owner of the horse he or she is to ride;
 - (b) Stock tie;
 - (c) White or light breeches;
 - (d) Top boots;

- (e) A safety vest and safety helmet that meet the standards established in subsections (4) and (5) of this section; and
 - (f) A number on his or her right shoulder corresponding to his mount's number as shown on the saddle cloth and daily racing program.
- (3) The clerk of scales and attending valet shall be held jointly responsible with a rider for his neat and clean appearance and proper attire.
- (4) A jockey mounted on a horse or stable pony at a location under the jurisdiction of the commission shall wear a properly secured safety helmet at all times. If requested by a commission official, the jockey shall provide sufficient evidence that his or her helmet has a tag, stamp, or similar identifying marker indicating that it meets or exceeds one (1) of the following safety standards:
- (a) ASTM International Standard, ASTM F1163-04a;
 - (b) British Standards, BS EN 1384:1997 or PAS 015:1999; or
 - (c) Australian/New Zealand Standard, AS/NZS 3838:2006.
- (5) A jockey mounted on a horse or stable pony at any location under the jurisdiction of the commission shall wear a safety vest at all times. If requested by a commission official, the jockey shall provide sufficient evidence that his or her safety vest has a tag, stamp, or similar identifying marker indicating that it meets or exceeds one (1) of the following safety standards:
- (a) British Equestrian Trade Association (BETA):2000 Level 1;
 - (b) Euro Norm (EN) 13158:2000 Level 1;
 - (c) ASTM International Standard, ASTM F2681-08;
 - (d) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3; or
 - (e) Australian Racing Board (ARB) Standard 1.1998.

Section 16. Advertising.

- (1) A jockey shall not wear advertising or promotional material of any kind (whether for a nonprofit or for-profit entity) on clothing within one (1) hour before or after a race, unless:
- (a)
 - 1. The material advertises or promotes the Jockey's Guild in the form of the picture of a jockey's boot or the picture of a wheelchair, with no additional picture or logo;
 - 2. The material advertises or promotes the Permanently Disabled Jockey's Fund in the form of the pictures of its logo, with no additional picture or logo; or
 - 3. The picture or logo has previously been approved by the current owner, association, and the stewards under the process established in this administrative regulation, and this approval is reflected in the commission's official records;
 - (b) The material complies with the size restrictions of subsection (2)(b) of this section;
 - (c) The material meets the advertising standards established in subsection (2) of this section;
 - (d) Written approval by the following is submitted to the commission:
 - 1. The managing owner of the horse, or authorized agent of the managing owner;
 - 2. The jockey riding the horse or the authorized agent of the jockey;
 - 3. The licensed racing association, which shall grant approval if it reasonably determines the material meets the standards in subsection (2)(a) of this section; and
 - 4. The stewards, who shall grant approval if they reasonably determine the material meets the standards in subsections (2)(b) and (3) of this section; and
 - (e) Written approval required pursuant to subsection (1)(d) of this section is evidenced by completion and return to the commission of the Request to Wear Advertising and Promotional Materials, form KHRC-4-070-1. The form shall be completed and submitted to the stewards not later than 5 p.m. at least two (2) days prior to the day of the race in which the advertising and promotional materials will be worn. Other forms of approval shall not be accepted by the commission.
- (2) Advertising or promotional material displayed on jockey clothing shall:
- (a) Not compete with, conflict with, or infringe upon sponsorship agreements applicable to the racing association race or to the race meet in progress; and
 - (b) Comply with the following size restrictions:

1. A maximum of thirty-two (32) square inches on each thigh of the pants on the outer side between the hip and knee and ten (10) square inches on the rear of the pant at the waistline at the base of the spine;
 2. A maximum of twenty-four (24) square inches on boots and leggings on the outside of each nearest the top of the boot; and
 3. A maximum of six (6) square inches on the front center of the neck area (on a turtleneck or other undergarment).
- (3) A sponsorship shall not be permitted by a person or entity whose message, business reputation, or ongoing business activity could be considered as obscene or indecent to a reasonable person.
- (4) Any party who fails to comply with this or any other provision established in this administrative regulation shall be subject to penalties by the commission in accordance with KRS Chapter 230 and KAR Title 810.
- (5) As a condition for approval of advertising or promotional material, either the owners, the stewards, or the licensed racing association may require a personal viewing of the proposed material as it is to be displayed, to determine compliance with this section.
- (6) The sponsor of a licensed racing association race or race meeting may display advertising or promotional material on an association saddlecloth if it does not interfere with the clear visibility of the number of the horse.
- (7) Advertising content other than that approved in accordance with this administrative regulation shall not be permitted.
- (8) This administrative regulation shall not infringe upon or limit the common law rights of a racing association to eject or exclude persons, licensed or unlicensed, from association grounds, or to apply the association's internal rules regarding other forms of advertising not addressed in this or any other applicable statute or administrative regulation, if the internal rules have been previously filed with and approved by the commission or its authorized representative.

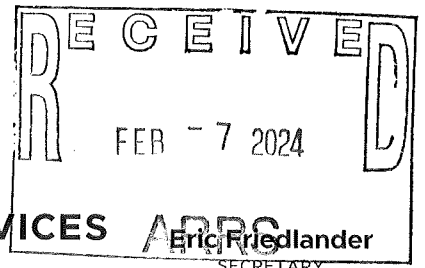
Section 17. Race Replay.

- (1) Every rider shall check the race replay list posted by the stewards in the jockey room the day after riding in a race.
- (2) The posting of the race replayfilm list shall be considered as notice to all riders whose names are listed to present themselves when designated by the stewards to view the race replay.
- (3) Any rider may be accompanied by a representative of the jockey organization of which he or she is a member in viewing the race replay or, with the stewards' permission, be represented at the viewing by his or her designated representative.

Section 18. Material Incorporated by Reference.

- (1) "Request to Wear Advertising and Promotional Material", KHRC 4-070-1, 11/2018.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m.
- (3) This material may also be obtained from the Kentucky Horse Racing Commission Web site at <http://khrc.ky.gov>.

CONTACT PERSON: Jennifer Wolsing, General Counsel, 4047 Iron Works Parkway, Lexington, Kentucky 40511, phone +1, (859) 246-2040, fax +1 (859) 246-2039, email jennifer.wolsing@ky.gov.



Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES

275 East Main Street, 5W-A
Frankfort, Kentucky 40621
Phone: (502) 564-7042
Fax: (502) 564-7091

February 7, 2024

Senate Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
Administrative Regulation Review Subcommittee
Legislative Research Commission
Capitol Annex, Room 083
Frankfort, KY 40601

Re: 900 KAR 5:020. State Health Plan for facilities and services.

Dear Senator West and Representative Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of issues raised by 900 KAR 5:020 and incorporated material, the Office of Inspector General proposes the attached agency amendment. If you have any questions, please feel free to contact Valerie Moore at ValerieK.Moore@ky.gov.

Sincerely,

Lucie Estill
Staff Assistant
Office of Legislative and Regulatory Affairs

cc: Emily Caudill, Administrative Regulations Compiler

**Agency Amendment
Cabinet for Health and Family Services
Office of Inspector General**

900 KAR 5:020. State Health Plan for facilities and services. (Amended After Comments)

Page 1

Section 2(1)

Line 19

After, "Update to the State Health Plan", insert "February 2024"

Delete "July 2023"

Material Incorporated by Reference

The amendments in this Agency Amendment are based upon the clean version of the Amended After Comments version (filed on 7/13/2023) of 900 KAR 5:020.

Title page

Header

Insert "February 2024"

Delete "July 2023"

Title

After "State Health Plan", insert "February 2024"

Delete "July 2023"

Table of Contents

Page ii

Section V.

A.

Correct typo from "AMULANCE" to "AMBULANCE"

Page 29

Level II PRTF

3. e.

After "state custody;", insert "and".

3. f.

Delete subsection f. in its entirety.

Renumber subsection "g." to subsection "f."

Delete subsection 4 in its entirety.

Delete subsection 5 in its entirety.

Renumber subsections respectively.

Page 30

Level II PRTF

For newly renumbered 12., insert the following:

Applications for Level II PRTFs shall be subject to nonsubstantive review in accordance with 900 KAR 6:075, Section 2(3)(j).

Delete the following:

Priority shall be given to applicants that demonstrate the capacity to provide or have access to a full array of other community-based services, and applicants that demonstrate the adoption of system of care principles and the wraparound process that includes family driven and youth guided programming and treatment.

Page 34

B. Home Health Agency

Review Criteria.

After “4.”, insert the following:

Notwithstanding criteria 1 and 2, an application by a licensed Kentucky acute care hospital, critical access hospital, or nursing facility proposing to establish a home health service with a service area no larger than the county in which the facility is located and contiguous counties proposing to service exclusively patients discharged from its facility shall be consistent with this plan if the facility documents, in the last twelve (12) months, the inability to obtain timely discharge for patients who reside in the county of the facility or a contiguous county and who require home health services at the time of discharge.

5.

In newly inserted “5.”, after “nursing facility proposing to”, delete “establish or”.

After “at the time of discharge”, insert the following:

and no existing, licensed home health agency is available and willing to accept the referral. The hospital or nursing facility shall document its efforts to find a home health agency

After “900 KAR Section 6:075, Section 2(3)(i).”, insert the following:

A license issued under this section shall contain the limitation set forth herein.

Page 41

IV. Diagnostic and Therapeutic Equipment and Procedures

A. Cardiac Catheterization Service

Review Criteria 4.b.

After “*Catheterization*,”, insert the following:

or other verifiable data presented by the applicant if the *Claims Data Report* shows a lesser number than was actually performed due to the practice of combining claims,

Page 54

V. Miscellaneous Services

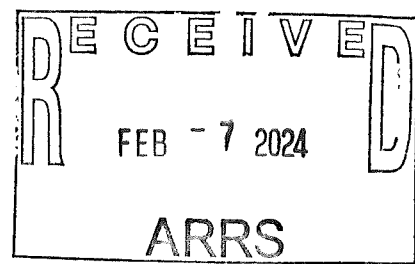
B. Ambulatory Surgical Center

Review Criteria 5.

After “conditions that are met:”, insert the following:

- a. The applicant is a legal entity that is 100% owned by physicians and optometrists and whose owners include at least one of the following:
 - (i) A Kentucky-licensed and board certified ophthalmologist;
 - (ii) An ophthalmology group, 100% owned by Kentucky-licensed and board certified ophthalmologists; or
 - (iii) An ophthalmologist-optometrist group, 100% owned by Kentucky-licensed and board certified ophthalmologists and Kentucky-licensed and surgically credentialed optometrists.
- b. Additionally, at least one of the applicant's owners must be:
 - (i) A residency-trained corneal specialist and a residency-trained retinal specialist; or
 - (ii) An ophthalmology group or an ophthalmologist-optometrist group with at least one residency-trained corneal specialist and a residency-trained retinal specialist.
- c. The proposed ASC is located in the county where the private office of at least one of the owners of the ASC is currently located;
- d. The applicant and its owners may establish multiple ASCs if each ASC meets the conditions herein but shall file a separate application for each ASC;
- e. The applicant documents that the proposed ASC shall be accredited within twelve (12) months of licensure by the American Association for Accreditation of Ambulatory Surgery Facilities, Inc. (AAAASF), Accreditation Association for Ambulatory Health Care (AAAHC), American Osteopath Association/Healthcare Facilities Accreditation Program (AOA/HFAP), The Joint Commission (TJC), or another accreditation organization approved by the Centers for Medicare and Medicaid Services; and
- f. The applicant certifies it will comply with all applicable federal laws prohibiting kickbacks and fee-splitting, including the federal Stark Law.

Delete existing criteria 5. a. through f. in its entirety.



Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES

Eric Friedlander
SECRETARY

275 East Main Street, 5W-A
Frankfort, Kentucky 40621
Phone: (502) 564-7042
Fax: (502) 564-7091

February 7, 2024

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
Administrative Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort, KY 40601

Re: 900 KAR 6:075. Certificate of need nonsubstantive review.

Dear Senator West and Representative Lewis:

After further consideration of the issues raised by raised by 900 KAR 6:075 and additional input received from stakeholders, the CHFS Office of Inspector General proposes the attached agency amendment to 900 KAR 6:075.

If you have any questions regarding this matter, please contact Valerie Moore, Office of Inspector General, at (502) 545-4889.

Sincerely,

Krista Quarles
Policy Specialist
Office of Legislative and Regulatory Affairs

**Agency Amendment
Cabinet for Health and Family Services
Office of Inspector General**

900 KAR 6:075. Certificate of need nonsubstantive review. (Amended After Comments)

Page 2

Section 1(7)

Line 8

After "Newsletter", insert the following:

"(8) "Psychiatric residential treatment facility" or "PRTF" is defined in KRS 216B.450(5) as a Level I facility or a Level II facility."

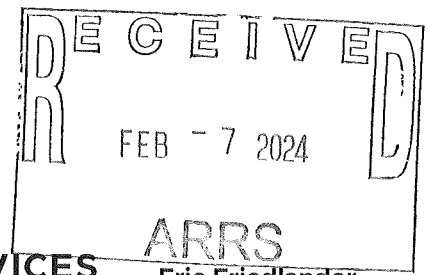
Page 7

Section 2(3)(i)

Line 3

After "from its facility", insert the following:

"(j) Level II PRTFs shall be subject to the nonsubstantive review process."



Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES

Eric Friedlander
SECRETARY

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February 5, 2024

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

Re: 922 KAR 2:100 staff suggested amendment

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of an issue raised by 922 KAR 2:100, the Department for Community Based Services proposes the attached LRC staff suggested amendment. If you have any questions, please feel free to contact Laura Begin at Laura.Begin@ky.gov.

Sincerely,

Krista Quarles
Office of Legislative and Regulatory Affairs

Staff-suggested Amendment

**Final Version 2/2/2024
CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Child Care**

922 KAR 2:100. Certification of family child-care homes.

Page 5

Section 2(5)

Line 12

After "hours of operation", delete ",,".

Page 10

Section 4(3)(e)

Line 2

After "(e)", insert "The".

Page 21

Section 11(2)(a)

Line 6

After "KRS 199.8982(1)(a)", delete the extra space.

After "6", insert "1".

Page 22

Section 12(3)

Line 2

After "including", delete "the following items".

Page 24

Section 12(19)(c)

Line 23

After "ratio of one", insert "(1)".

After "adult to one", insert "(1)".

Page 25

Section 12(20)(c)

Line 6

After "ratio of one", insert "(1)".

After "adult to one", insert "(1)".

Page 25

Section 12(22)(b)

Line 13

After "Documented", insert "t".

Delete "t".

Page 28

Section 13(5)(b)

Line 5

After "assistant shall wash", insert "his or her".

Delete "the provider or assistant's".

Page 41

Section 18(9)(d)

Line 7

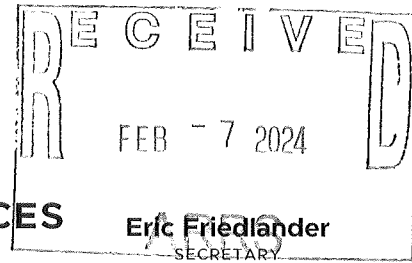
After "Not", insert "have".

Page 42

Section 19(1)(b)3.d.(iii)

Line 14

After "Section 16(1)(c)", insert "of this administrative regulation".



Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES

275 East Main Street, 5W-A
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February 7, 2024

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

Re: 922 KAR 2:165 agency amendment

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of issues raised by 922 KAR 2:165 and incorporated material, the Department for Community Based Services proposes the attached agency amendment. If you have any questions, please feel free to contact Laura Begin at Laura.Begin@ky.gov.

Sincerely,

Lucie Estill
Staff Assistant
Office of Legislative and Regulatory Affairs

Agency Amendment

Cabinet for Health and Family Services Department for Community Based Services Division of Child Care

922 KAR 2:165. Employee Child Care Assistance Partnership.

Page 9

Section 9(1)(a)

Line 11

After "Contract", insert "02/24".

Delete "11/23".

Page 9

Section 9(1)(b)

Line 12

After "Action", insert "02/24".

Delete "11/23".

Incorporated material

DCC-600

A question has been added to indicate if the applicant has any ownership in the employer business and the name of the employer has been included on page 2. The date has been revised.

DCC-605

An option to state that the program application has been amended is being included. The date has been revised.

Employee Child Care Assistance Partnership Application and Contract

Section I. Must be completed by the employer

Please provide the following information from your records:

- Employee name _____
- Is this person currently employed by you? Yes No
- Date hired _____ Date first paid _____
- Is the employee's share of taxes deducted from gross wages? Yes No
- Gross monthly income _____
- If employed for two or more months, list the wages that have been paid during the previous two months or provide and attach two months of paystubs. For self-employed individuals, please attach the most recent tax return or recent business records.

Date Received	Hours	Gross Wages	*Tips	Date Received	Hours	Gross Wages	*Tips
1.				6.			
2.				7.			
3.				8.			
4.				9.			
5.				10.			

- Employee title _____
- Does the business have less than fifty (50) employees working more than thirty-five (35) hours per week? Yes No
- Industry of the business _____
- Contribution amount towards employee's child care cost _____ monthly
- Start date of contribution _____ End date of contribution _____
- Does your employee have any ownership in the business? Yes No

Employer/business name _____ Phone (____) _____

Physical address _____ City _____ State _____

County _____ Zip _____

Mailing address _____ City _____ State _____ Zip _____

Email address _____ Total number of employees _____

Warning: Any person who aids another person to obtain assistance (or benefits) fraudulently is subject to penalties provided by state law, KRS 199.990(8), including fines, imprisonment, or both. I certify that the information contained in this form is true and correct to the best of my knowledge.

Name and title of individual completing this section _____

Signature _____



For Office Use Only: Contract # _____ Date _____
--

Section II. Must be completed by the employee

Please list all adult household members and all sources of income:

Household Member	Relationship	Employer	Job Title	Source of Income	Gross Monthly Income

Please list all dependent household members and all sources of income:

Household Member	Relationship	Date of Birth	Source of Income	Gross Monthly Income	Is child care needed? Y or N

How many child care programs are needed? _____

Are you or a household member currently working for an employer other than that specified in Section I? If yes, you **must** attach proof. Proof could be a check stub from the current month or a written statement from the employer.

Name _____ Phone (____) _____

Physical address _____ City _____ State _____

County _____ Zip _____

Mailing address _____ City _____ State _____ Zip _____

Email address _____

Warning: Any person who aids another person to obtain assistance (or benefits) fraudulently is subject to penalties provided by state law, KRS 199.990(8), including fines, imprisonment, or both. I certify that the information contained in this form is true and correct to the best of my knowledge.

Signature _____

Print Name _____



For Office Use Only: Contract # _____ Date _____
--

Section III. Must be completed by the child care provider

If using multiple providers, please complete Section III of this form for each provider.

Please state the commercial rate of care for the child(ren) for whom care is to be provided through this program.

Weekly Rate: _____	Child's name: _____
Daily Rate: _____	Date of Birth: _____
Start date: _____ End date: _____	

Weekly Rate: _____	Child's name: _____
Daily Rate: _____	Date of Birth: _____
Start date: _____ End date: _____	

Weekly Rate: _____	Child's name: _____
Daily Rate: _____	Date of Birth: _____
Start date: _____ End date: _____	

Weekly Rate: _____	Child's name: _____
Daily Rate: _____	Date of Birth: _____
Start date: _____ End date: _____	

Weekly Rate: _____	Child's name: _____
Daily Rate: _____	Date of Birth: _____
Start date: _____ End date: _____	

Child care provider/business name _____ CLR # _____

Licensee name _____ Phone (____) _____

Physical address _____ City _____ State _____

County _____ Zip _____

Mailing address _____ City _____ State _____ Zip _____

Email address _____

Warning: Any person who aids another person to obtain assistance (or benefits) fraudulently is subject to penalties provided by state law, KRS 199.990(8), including fines, imprisonment, or both. I certify that the information contained in this form is true and correct to the best of my knowledge.

Name and title of individual completing this section _____

Signature _____



Employee Child Care Assistance Partnership Application and Contract

Section I. Must be completed by the employer

Please provide the following information from your records:

1. Employee name _____
2. Is this person currently employed by you? Yes No
3. Date hired _____ Date first paid _____
4. Is the employee's share of taxes deducted from gross wages? Yes No
5. Gross monthly income _____
6. If employed for two or more months, list the wages that have been paid during the previous two months or provide and attach two months of paystubs. For self-employed individuals, please attach the most recent tax return or recent business records.

Date Received	Hours	Gross Wages	*Tips	Date Received	Hours	Gross Wages	*Tips
1.				6.			
2.				7.			
3.				8.			
4.				9.			
5.				10.			

7. Employee title _____
8. Does the business have less than fifty (50) employees working more than thirty-five (35) hours per week? Yes No
9. Industry of the business _____
10. Contribution amount towards employee's child care cost _____ monthly
11. Start date of contribution _____ End date of contribution _____
12. Does your employee have any ownership in the business? Yes No

Employer/business name _____ Phone (____) _____

Physical address _____ City _____ State _____

County _____ Zip _____

Mailing address _____ City _____ State _____ Zip _____

Email address _____ Total number of employees _____

Warning: Any person who aids another person to obtain assistance (or benefits) fraudulently is subject to penalties provided by state law, KRS 199.990(8), including fines, imprisonment, or both. I certify that the information contained in this form is true and correct to the best of my knowledge.

Name and title of individual completing this section _____

Signature _____



For Office Use Only:
 Contract # _____
 Date _____

Section II. Must be completed by the employee

Please list all adult household members and all sources of income:

Household Member	Relationship	Employer	Job Title	Source of Income	Gross Monthly Income

Please list all dependent household members and all sources of income:

Household Member	Relationship	Date of Birth	Source of Income	Gross Monthly Income	Is child care needed? Y or N

How many child care programs are needed? _____

Are you or a household member currently working for an employer other than that specified in Section I? If yes, you **must** attach proof. Proof could be a check stub from the current month or a written statement from the employer.

Name _____ Phone (____) _____

Physical address _____ City _____ State _____

County _____ Zip _____

Mailing address _____ City _____ State _____ Zip _____

Email address _____

Warning: Any person who aids another person to obtain assistance (or benefits) fraudulently is subject to penalties provided by state law, KRS 199.990(8), including fines, imprisonment, or both. I certify that the information contained in this form is true and correct to the best of my knowledge.

Signature _____

Print Name _____



Section III. Must be completed by the child care provider

If using multiple providers, please complete Section III of this form for each provider.

Please state the commercial rate of care for the child(ren) for whom care is to be provided through this program.

Weekly Rate: _____ Child's name: _____
Daily Rate: _____ Date of Birth: _____
Start date: _____ End date: _____

Weekly Rate: _____ Child's name: _____
Daily Rate: _____ Date of Birth: _____
Start date: _____ End date: _____

Weekly Rate: _____ Child's name: _____
Daily Rate: _____ Date of Birth: _____
Start date: _____ End date: _____

Weekly Rate: _____ Child's name: _____
Daily Rate: _____ Date of Birth: _____
Start date: _____ End date: _____

Weekly Rate: _____ Child's name: _____
Daily Rate: _____ Date of Birth: _____
Start date: _____ End date: _____

Child care provider/business name _____ CLR # _____

Licensee name _____ Phone (____) _____

Physical address _____ City _____ State _____

County _____ Zip _____

Mailing address _____ City _____ State _____ Zip _____

Email address _____

Warning: Any person who aids another person to obtain assistance (or benefits) fraudulently is subject to penalties provided by state law, KRS 199.990(8), including fines, imprisonment, or both. I certify that the information contained in this form is true and correct to the best of my knowledge.

Name and title of individual completing this section _____

Signature _____



For Office Use Only: Contract # _____ Date _____
--

Employee Child Care Assistance Partnership Notice of Action

Your application to participate in the Employee Child Care Assistance Partnership was:

- Approved Amended Denied Terminated

The reason for this is

Effective _____ through (unless terminated) _____

Business contribution (monthly) _____

State match _____

Employer/business name _____

Physical address _____ City _____ State _____ Zip _____

Employee name _____

Physical address _____ City _____ State _____ Zip _____

Child care provider/business name _____

Physical address _____ City _____ State _____ Zip _____

Child's name _____ Care start date _____ Care end date _____

Approved employer contribution amount _____ Approved state contribution amount _____

Child care provider/business name

Physical Address _____ City _____ State _____ Zip _____

Child's name _____ Care start date _____ Care end date _____

Approved employer contribution amount _____ Approved state contribution amount _____

If you are dissatisfied with this decision, you may request an administrative hearing within thirty (30) days from the Office of the Ombudsman and Administrative Review, Quality Advancement Branch, 275 East Main Street, 2 E-O, Frankfort, KY 40621.

For Office Use Only: Contract # _____ Date _____
--

Employee Child Care Assistance Partnership Notice of Action

Your application to participate in the Employee Child Care Assistance Partnership was:

Approved Amended Denied Terminated

The reason for this is

Effective _____ through (unless terminated) _____

Business contribution (monthly) _____

State match _____

Employer/business name _____

Physical address _____ City _____ State _____ Zip _____

Employee name _____

Physical address _____ City _____ State _____ Zip _____

Child care provider/business name _____

Physical address _____ City _____ State _____ Zip _____

Child's name _____ Care start date _____ Care end date _____

Approved employer contribution amount _____ Approved state contribution amount _____

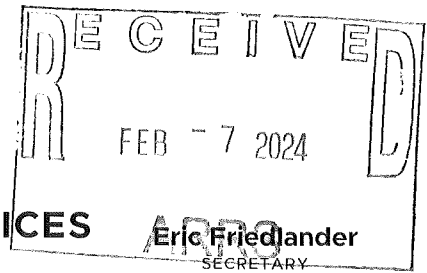
Child care provider/business name

Physical Address _____ City _____ State _____ Zip _____

Child's name _____ Care start date _____ Care end date _____

Approved employer contribution amount _____ Approved state contribution amount _____

If you are dissatisfied with this decision, you may request an administrative hearing within thirty (30) days from the Office of the Ombudsman and Administrative Review, Quality Advancement Branch, 275 East Main Street, 2 E-O, Frankfort, KY 40621.



Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES

275 East Main Street, 5W-A
Frankfort, Kentucky 40621
Phone: (502) 564-7042
Fax: (502) 564-7091

February 7, 2024

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

Re: 922 KAR 2:165 staff suggested amendment

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of an issue raised by 922 KAR 2:165, the Department for Community Based Services proposes the attached LRC staff suggested amendment. If you have any questions, please feel free to contact Laura Begin at Laura.Begin@ky.gov.

Sincerely,

Lucie Estill
Staff Assistant
Office of Legislative and Regulatory Affairs

Staff-suggested Amendment

Final Version 2/2/2024

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Community Based Services

Division of Child Care

922 KAR 2:165. Employee Child Care Assistance Partnership.

Page 2

Section 1(11)

Line 17

After ""Program"", delete the following:

means the Employee Child Care Assistance Partnership and

Page 3

Section 2(7)(a)

Line 18

After "in the program", insert "and".

Delete ".".